PAKISTAN RESOLUTION
TO PAKISTAN

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1940 - 1947

A Selection of Documents Presenting the Case for Pakistan

Edited by

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Introduction by

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NPH

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PREFACE

Even though there are about half a dozen volumes of documents which are now being used for historical writing about developments in the Indo-Pakistan subcontinent during 1940-47, there is a feeling among a number of well-informed scholars that these volumes do not bring out the complete story. It is with this feeling primarily in mind that this volume has been compiled.

There are two special features of this compilation. First, so far as it has been possible, documents have been taken from the official publications of the Government and the Muslim League, and when this has not been possible, from responsible newspapers and other recognized sources. Since official Congress publications are not available in Pakistan, the latter sources, have also been used for documents released by the Congress. Secondly, to complete the story, passages have been included in the volume from the writings of those leaders, officials and others who had something to do with the developments which took place and of scholars who have made a special study of the subject. Comments from responsible newspapers and journals which bring out the implications of the decisions taken have also been included.

In the compilation of the volume, a large number of persons have very kindly provided guidance and assistance. Particular mention should be made of Dr. I. H. Qureshi, who has also written the Introduction, Mr. Mumtaz Hasan who, *inter alia,* gave the Editor access to his valuable private collection, Syed Sharifuddin Pirzada, who read through all the documents, and Mr. Afzal Iqbal and Mr. Neil Wilkinson, through whose good offices photo-copies of a number of documents were obtained from London. It is the Editor's pleasure to record here his gratitude to all these gentlemen. The Editor is also grateful to the Librarians of the Punjab University Library, Public Punjab Library, West Pakistan Provincial Assembly Library, and the Department of Archives Library, for their wholehearted co-operation in the preparation of this volume.

Karachi, August 1969. *Latif Ahmed Sherwani*

EDITORIAL NOTE

The style for spelling, punctuation, hyphenation, etc. found in the original documents quoted has been retained, so that variant spellings for the same name (*e.g.*, Hyat, Hayat; All-India, All India and the same word (*e.g.*, Muslim, Moslem; organize, organise) may be found as one moves on from one document to another.

A major proportion of the documents consists of extracts; and in the body of these, omission of passages is indicated either by dots (. . .) or an asterisk(*). However, no asterisks are used at the beginning or end of a quotation to show that it is preceded or followed by other textual matter, for this is clear enough from the context or from dots.

Lastly, square brackets indicate editorial comment, clarification or suggested correction of a possible typographical error in the original document.

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INTRODUCTION

The generation that saw the partition of the subcontinent and the emergence of Pakistan is now slowly dying out. It could recall the ebb and tide in the chances of Pakistan coming into existence through negotiations. In the background there always lurked the danger of a devastating civil war. The Hindu-Muslim riots that broke out before, during and after the partition were unprecedented in the history of the subcontinent and resulted in terrible misery to millions, yet they were but a faint semblance of what would have happened if Pakistan had not been conceded. This was realized by the British who ultimately came to recognize, albeit most reluctantly, that the demand for Pakistan could no longer be brushed aside, by the Hindus who gradually grasped the bitter truth that freedom was impossible without coming to terms with the Muslims, and by the Muslims as well who, despite bitter propaganda by their opponents to the contrary, showed willingness to make sacrifices so that an independent sovereign homeland could be won through parleys rather than violent action. When the dust of controversy settles and visions are no longer dimmed by passions, the three parties will get their meed of praise for not pushing their dispute to the arbitration of war.

But they barely succeeded in averting war. They reached decisions with such bad grace and mental reservations that they could not lay the foundations of amity and goodwill in the subcontinent. Of these, the British came out with some measure of success, because after all they had decided to withdraw and were sufficiently sophisticated to foresee that any visible marks of their continued political or economic dominance would not earn them that credit for surrendering power which alone could sustain the remnants of their cultural, economic and even political influence. They had to calculate carefully where their larger interests lay and act accordingly. Pakistan was a doubtful proposition because its hidden potentials in political, economic and administrative viability could not be gauged at that

time. On the contrary, India was a large country, richer in economic resources, trained intellectual and administrative personnel and political experience. Hence it was obviously in Great Britain's interest to please India.

We, therefore, find that the British negotiators tried to please India at every stage. Whereas the demand for Pakistan was treated as a necessary evil, the Indian leaders were courted at practically every stage. The British did consent to the creation of Pakistan, but it was a truncated Pakistan which inherited almost insuperable problems because of irrationally drawn boundary lines. Most of the difficulties of Pakistan have arisen from this British partiality for India. Indeed, it would seem that the idea was to prove the infeasibility of the Muslim demand for a separate homeland through the process of *reductio ad absurdum.* Two of the greatest problems of Pakistan, the Indian occupation of Kashmir and the dispute regarding canal waters, owe their origin to the Radcliffe Award. Perhaps the feeling in Hindu circles that Pakistan would not last and that the Pakistanis would ultimately be forced to beg India to take them back into the Indian Union was based upon a correct assessment of the progress of the negotiations.

It is known to students of history that all political discussions are not necessarily public. We do not know what assurances were or were not given to the Hindus by the British. But we know that the way the partition was carried out was so detrimental to the interests of Pakistan that its survival is more a miracle than the realization of reasonable expectations. The Pakistanis were grateful that they had achieved an independent homeland, and they realized that this could not have been done without the consent of the British. They knew that the Hindus were opposed to the creation of Pakistan. Hence, in spite of a burning sense of injustice and the realization that they had not been given a fair deal, they acknowledge the fact that the reluctant consent of the British to partition the subcontinent was basic to the fulfilment of their desire to have an independent homeland.

British emotions were involved in the creation of Pakistan. They had looked upon an artificially united India as the greatest of their historical achievements. They had found the subcontinent divided into many States and had brought about the kind of political unity that is generally imposed by great empires. As a result of such political unions, a large number of problems are invariably created which remain below the surface so long as the strong arm of the empire can put them down. But whenever empires have tended to weaken or break up, the fissures have come to the surface and have created insoluble problems. The British feat of bringing about a political and administrative unity in the subcontinent was, at best, an ephemeral success because it militated against the basic realities of the situation. If they had partitioned the subcontinent in a just and equitable manner, the harmonious development of the two successor States would have been a greater tribute to their sagacity and foresight.

It may be argued that the psychological aversion amongst the Hindus to the creation of Pakistan was, in any case, so great that it could never have led to their acceptance of the country, and disputes were bound to arise from time to time. There is considerable truth in this contention. Yet the fact remains that psychological aversions created in the heat of the controversy could best be overcome if

constant irritants did not exist to worsen the already strained relations. The British deliberately left a legacy of such irritants. The Pakistani resentment against Lord Mountbatten is somewhat irrational because it is not fair to make an individual responsible for the entire gamut of British political thinking at that time. The cynical boundary award which Radcliffe wants to forget as a bad dream, and which British historians maintain was not altered at the behest of Lord Mountbatten, cannot be justified on any grounds at all. Despite loud declarations of impartiality, the British historians have never succeeded in explaining the rationale of the Radcliffe Award. This is because they still try to adopt moral postures, whereas the only rational and possible explanation is that India had to be placated at any cost, as at that time (as has been mentioned earlier) India was a certainty and the continued existence of Pakistan was a big question mark.

The original doubts regarding Pakistan's viability arose because of the backwardness of the Muslim community in the subcontinent as a whole and of the Muslims of the areas constituting Pakistan in particular. It was argued that an educationally backward people with little administrative experience and with even less commercial and industrial capacity could not run a brand new country in the chaotic postwar world, when even more experienced nations were not finding it easy to administer their affairs. Added to this were estimates of Pakistan's potential economic capacity, mostly based upon prejudiced Hindu studies to prove that Pakistan was not feasible. In a situation like this, it was better to administer a *coup de grace* to the hopeless patient and to make friends with his enemies. As practical men, the British cannot be condemned for doing what at that time seemed to be the most feasible line of action in their own national interest.

It may once again be argued that if this was the situation, why did the British incur Hindu hostility at all by conceding the demand for Pakistan? It is not defficult to guess the reasons which prompted British action. The foremost of these was that the main concern of the British was to extricate themselves from India. They did not want to get involved in a war involving entire populations: because that is the kind of conflict most difficult to control, and neither the British morale nor British resources permitted their involvement in efforts to curb large-scale anarchy when they had already lost the strength to hold on to the subcontinent. A flat refusal to concede Pakistan would have resulted in a mass rebellion of the Muslims with disastrous consequences. This was the ultimate sanction behind Pakistan. This was the reality that forced the British and the Hindus to accept Pakistan. But both the Hindus and the British felt that when the first flush of enthusiasm was over and the Pakistanis were confronted with the difficulties in which they were most certain to be placed, they would realize their helplessness, and Pakistan would again be asborbed into India. They had indeed looked forward to an *anschluss* of despair.

The process could be expedited by the creation of further difficulties. Hence the planned genocide in East Punjab and the large number of communal riots against the Muslims in the rest of India, so that the new country should be buried under the onrush of millions of destitute refugees turned out of their ancestral homes. For the same reason it was necessary to draw up a boundary that would

deprive Pakistan of the sources of irrigation water without which its growing population would starve to death. With the same end in view, the District of Gurdaspur had to be divided so that India could have access to Kashmir and Pakistan should be kept interminably involved in attempts to undo the injustice created by the subjugation of a part of its population by India. For it must be remembered that the Kashmiris are Pakistanis by religion, by culture, by sentiment and by tradition. The very haste with which Pakistan was established without any preparation showed that no chance was to be given to this young nation to have breathing time to order its affairs and to set its house in order. The government of a well-established country or of a country which has at least inherited an orderly administration can overcome difficulties; but how could a country with no administrative set-up survive utter chaos?

It was, therefore, a matter of grave disappointment to India that Pakistan not only survived but showed sufficient capacity to create a polity out of utter confusion. That this happened was not expected, indeed could not be expected. The sad aspect of this matter, from the point of view of the Pakistanis, is that the British deliberately and knowingly contributed to the creation of her difficulties. Who has not read of the failure of the Boundary Force, the refusal of Lord Mountbatten to pay heed to intelligence reports of planned campaigns to create anarchy, his purblind obstinacy in not learning the lessons of the happenings in Bihar, Alwar and Calcutta? Hence, so far as the British are concerned, the verdict of history will be that they did avert a civil war, but did not have the foresight to make any efforts to lay the foundations of peaceful co-existence between India and Pakistan which could ensure their harmonious development and friendship.

The second important party in the negotiations were the Hindus led by the Indian National Congress. Even though the Indian National Congress was overwhelmingly dominated by the Hindus, and followed policies, in the name of a united nationhood, which were inimical to Muslim interests, the more extremist communal organizations like the Hindu Mahasabha and the Rashtrya Svem Sevak Sangha wielded enormous influence among the masses. Ideologically, all the Hindus, except perhaps a few intellectuals, were united in the feeling that an independent sovereign India should mean a Hindu country. This feeling had deep roots in the emotions of the people. Generations of writers, speakers and political leaders had painted the entire period after the loss of political power by Hindus as a period of slavery and serfdom. The centuries of Muslim rule have been looked upon by them as a nightmare from which the Hindu nation awoke into the 'milder tutelage' of British rule.

This certainly was not the feeling of the Hindus during the Muslim rule. The politically conscious Hindu leaders had apportunities, if they so desired, to be associated with the government of the Muslim Empire. From the very early days of Indo-Muslim history, one comes across the names of Hindu governors and generals amongst the servants of the State, and the revenue service was overwhelmingly manned by the Hindus. When some Hindu officers complained to Raja Man Singh, during his Bengal campaign, that he was more enthusiastic in fighting the enemy than his Muslim colleagues, he retorted by saying, "We are

fighting for the Empire because the Empire is ours". Even under the much abused Aurangzeb, there were a large number of Hindu officers holding high commands and civilian positions. Among the rank and file of the services, the number of the Hindus was very large indeed. In certain areas of administration they were in a majority.

The image of the emperor as the father of his people was common among the people irrespective of religious differences. In the records of the early days of the British rule, one comes across petitions drawing comparisons between the conditions under the Muslims and those prevailing under the British, to the disadvantage of the latter. The British writers and historians then took upon themselves the task of distorting Muslim history and creating feelings of hatred for Muslim rulers, and they succeeded extremely well. That cue was taken up by Hindu writers in the early days, and, though the tone improved with greater scholarship during the twentieth century, many of the more popular writers still entertained extreme hostility towards the memory of Muslim rule.

This feeling percolated down to the masses. Many a false and irrational story was deliberately put into circulation and was avidly swallowed. This created a deep-rooted psychosis of anti-Muslim emotions. A resurgent India, therefore, was to be revivalist in its aims and methods. Revivalism could not succeed in the twentieth century in throwing overboard what had been learnt from the British. But surely all the traditions built up during and inherited from the Muslim rule could easily be discarded. Indeed, it came to be believed that Hindu nationalism could not attain its goals without throwing overboard every vestige of Muslim influence.

This was one of the main causes of Muslim discontent with the Congress ministries in the Hindu majority areas. To the average Hindu, the logic was irrefutable. Democracy means majority rule. In India the Hindu community was the majority. Hence it could dictate to the minorities as it pleased. It could even prescribe the terms and conditions on which they could live in free India. Any resistance by any minority was looked upon as reactionary and was branded as unnational, subversive of the movement for independence, and an endeavour to perpetuate British rule. Any form of extreme Hindu communalism, whether mild or extreme, was nationalism. Any effort by other communities, and particularly the Muslims, to safeguard their peculiar interests and preserve their culture and traditions was condemned as sheer obscurantism and a perverse desire to perpetuate foreign rule. The Hindu mind had set before itself the goal of ruling the whole of the subcontinent without sharing power with anyone else. Nationalism and democracy meant the rule of the majority, and anybody who tried in any way to curb the power of the majority was an enemy of the country. With this psychological background, the Hindus were in no mood to concede that the Muslims had a point of view that was worth consideration.

This identification of the Hindu community with the totality of the population of the subcontinent was a common fallacy in which the Hindu leaders indulged either deliberately or subconsciously. When Nehru maintained that there were only two parties, the British and the Indian National Congress, which had the

right to determine the future of the subcontinent, what he really meant was that no one else mattered except the Hindus, who overwhelmingly dominated the Congress. When in the initial days Gandhi talked of Ram Raj and the philosophy of Indian nationalism, he was thinking as a Hindu and was identifying the country with his community. The Muslim crime was that this view was not only exposed but challenged. When Jinnah said that there were three parties and not two, in essence he asserted that the totality of the subcontinent could not be identified with the Hindu community.

In the rest of the population, the Muslims, because of the distinctiveness of their culture and outlook on life, their numbers and their traditions, were the most considerable community. Throughout their history, they had struggled to maintain their separate entity, and they did not want to be engulfed by the surrounding ocean of Hinduism. This was realized by some Hindus who, from time to time, had said openly that the Muslims could not be assimilated into the Indian nationalism of their conception, and therefore they posed the biggest challenge to the emerging force of Hinduism as the dominant factor in shaping the destiny of the subcontinent. Har Dayal had this in his mind when he advocated in his famous articles that the Muslims must learn to identify themselves completely with the Hindus to the extent of adopting Hindu culture, of observing Hindu festivals, and of accepting the Hindu mythical figures as the heroes of their history. Lajpat Rai had said it unambiguously that the Muslims could never be loyal to the Indian nation. When Nehru made scathing remarks about Muslim culture and doubted its existence, he had wanted to brush the Muslims away from his consciousness. All these views were the expressions of the same intensely felt desire—the desire either to assimilate or to ignore or to subdue the Muslims. Because of this outlook the Muslim demand for separation was high treason from the point of view of every Hindu. The liberalism found in some of the educational institutions created by the conditions after the First World War was thrown aside so far as the attitude towards the minorities was concerned. In private conversations, even in university and college seminars, it was said openly that the minorities of the subcontinent should take heed of what had happened to the Jews in Nazi Germany, meaning thereby that if they insisted upon asking for safeguards they should be ready for pograms and persecution.

The Hindus have not been famous for their realism throughout history. They have tended to live in a make-belief world of their own ideas and dreams. If Muslim separatism militated against their own design for the future shape of the subcontinent, it should be ignored. It did not exist because it did not fit into the patterns of their thought. And when the reality of the situation thrust itself upon Hindu consciousness, it had to be suppressed as an unpleasant thought. When the reality, however, persisted and could not be suppressed, it created bitterness and hostility. At last, it dawned upon men like Patel that freedom would be unworkable even if it could be obtained by ignoring the Muslim demand, and if it had to be shared even to some extent with the Muslims, their obduracy would make the working of the polity impossible. Hence Pakistan had to be conceded; but this Pakistan had to be weakened by every device known to human ingenuity.

It was to be deprived of as much of its legitimate share of territory as could be taken away on one pretext or the other. It had to be robbed of the chances even of survival by putting every obstacle in the way of its immediate existence and future development. There were many who believed with considerable justification that, with all the handicaps imposed upon the new Muslim country, it could not possibly survive; then its occupation would be easier, and even unnecessary, because the Pakistanis would themselves beg, as has been mentioned, to be taken back into the Indian Union. The weaker Pakistan was made, and the more chaotic the conditions in it were engineered to become, the sooner would its absorption be inevitable. In a way this thinking was fortunate for the Muslims; because without this feeling it is doubtful whether the Hindus could at any time have accepted the idea of partition. But in every other respect the Hindu attitude, reinforced by the actions of the British, was detrimental to Pakistan's interests in the highest degree. With this psychology it would have been futile to expect the Hindus to be generous to Pakistan in any respect. Pakistan was to be a baby with a strangulation band around its neck.

And yet how unrealistic and foolish this idea was! It was based upon a serious miscalculation. It did not take into consideration the desperate desire of the Muslims that they must have a separate homeland and they must make a success of it. A simple political truth was not understood. Countries may be poorly administered, may have insignificant economic resources and be weak in other ways but they can still be sustained by the efforts of their people, if they are determined to preserve their independent existence. And this is precisely what happened in Pakistan. Pakistan survived, but the efforts to strangulate it at its birth and the subsequent attempts to isolate it, to weaken it and ultimately to absorb it, only added to the bitterness of its people.

So far as India is concerned, this is a sad story of missed opportunities. If India had shown generosity and wisdom, it would have had Pakistan's support in all international conferences, and its prestige would have been much higher in the councils of the world than it has been because of its disputes with Pakistan. Indian manufactures would have been popular in the markets of Pakistan. Pakistani raw materials would have been available to India for her industry. The large burden of military expenditure which is quite openly intended to overawe Pakistan could have been diverted to fighting the devils of ignorance and poverty amongst her own masses. India should have realized that stark and naked imperialism has long ceased to pay large dividends, that discontented minorities and hostile neighbours are a tremendous liability even for richer countries, and that the profits drawn from friendship with Pakistan would be far greater than any existing or hidden advantages in perpetual hostility towards a neighbour which has such a long common boundary with her. The British only lost an opportunity of laying the foundations of harmony between two members of the Commonwealth. But the Hindus suffered substantial material and political disadvantages as the result of their lack of foresight.

The third party in the negotiations were the Muslims. They started with terrible handicaps. They were comparatively backward in every respect. Their national organization, the Muslim League, had begun to be geared into reae

political activity as late as 1937. They had neither a standing army at their command nor a running administration to serve them. No part of the subcontinent was, as it were, under their rule. Their only asset was a dogged refusal to be dominated by the Hindus and their willingness to make sacrifices for this. Their strength lay in their determination and zeal, but they were aware of the fact that civilian unarmed populations do not always succeed in holding the flag of rebellion high for a sufficiently long period to win their aims. There were grave doubts in their minds about the ultimate success of their movement because of their lack of resources. They had to carve out a country and yet they had to take cognizance of the fact that time was running against them. The British were in a hurry to depart, because the strength to hold on had totally ebbed out of their muscles. If through Muslim obduracy the subcontinent fell into a state of anarchy, the British determination to leave it would become only stronger. Then there would be left only the alternative of a civilian population carrying on an agitation, either violent or non-violent, against a government that would get more and more established as it found time to muster its resources. They must succeed, if they could, before the British departed. Because, however inevitable might have been the emergence of Pakistan in the long run, it could have been delayed by years, maybe by decades, if it had not come into existence when it did.

The bargaining power of the Muslims, therefore, was extremely fragile. They were at the receiving end, which is always disadvantageous. They could only argue that Pakistan should be viable, so that it could contribute to peace in the region and not fall a prey to anarchy. They could only demand a just solution of the problem so that it should be lasting, but they had no force to back up their demands. In a way none of the three parties had sufficient power to enforce its point of view; but amongst the three the Muslims were the weakest. Their other disadvantage was their lack of finesse in negotiations. They were easy game for entanglement in the meshes of intrigue, because they did not possess sufficient sophistication to suspect traps.

This was proved time and again. When in the matter of the formation of the interim government, Cripps went back upon his word, the Muslims should have understood that the British were not to be trusted; and yet they practically accepted a Briton, Radcliffe, as an arbitrator who would draw the vital boundary lines for them. They had hoped for the traditional British sense of justice and fairplay, and, having little experience in international diplomacy, they were taken in by seemingly fair commitments, beneath which deceitful intentions were concealed. Being an honest and straightforward man, Jinnah was shocked at the duplicity of those who deceived him. But he did not have the foresight to see that all men and parties were not as honest or as upright as he was. When it came to understanding the legal implications of a document, there were few who could give as brilliant and penetrating an analysis and interpretation. But negotiations are not all legal documents. If the Muslims had possessed a position of comparative strength, the Quaid-i-Azam would have been able to exploit it to its maximum extent. But the Quaid-i-Azam could not turn a position of weakness into a position of strength. The fact that he utilized the opportunities offered to him by the situation

to the extent that he did was a remarkable achievement. It is a tribute to his integrity that he took plighted word at its face value; and there could have been no regrets in his mind that he was not crooked enough to think that a seemingly neutral arbitrator would permit his national interests to tip the balance of justice. The Quaid-i-Azam could not get better terms because his position was intrinsically weak. At that time, it was a question of getting what could be obtained without seriously jeopardizing the possibilities of Pakistan; and he would have been blamed by posterity for lack of realism if he had underestimated the serious limitations imposed upon the Muslims as participants in the negotiations. The Muslims, therefore, were in no position to ensure that the settlement should be fair and conducive to better relations with India. They had hoped that justice would prevail, and they had also looked forward to a period when the two countries would co-exist in peace and harmony. That the circumstances which could have produced these results were deliberately denied to them could not be prevented by their efforts.

This is the general background of the negotiations against which the documents collected by Mr. Sherwani should be studied. As has been mentioned before, the generation that lived through the period of negotiations is fast dying out. There are not many left who can tell the story from their own memory. In any case, memory plays strange tricks with all of us. There is nothing more exciting in history than to read the documents which portray it. The documents collected by Mr. Sherwani will be studied with interest by the layman, and will be a valuable source for the historians of the future. His collection has a refreshing element. He has not stuck to conventionally held notions regarding documents. He has thrown welcome light upon them through additional materials from newspapers, comments and speeches which are as important for understanding the course of events as the documents themselves.

Karachi University, *Ishtiaq Husain Qureshi*
August 14, 1969.

I. THE DEMAND FOR PAKISTAN

Introductory Note: In 1937, when provincial autonomy was introduced in India under the Government of India Act of 1935, the Hindu-dominated Congress came into power in a number of provinces. The Congress rule, which lasted nearly two-and-a-half years, demonstrated the essential differences between the Hindu and Muslim approaches to life and convinced the Muslims that under Congress they would not get justice and fairplay. As a consequence, at its session held at Lahore in March 1940, the All-India Muslim League demanded a separate sovereign State for the Muslims in the north-western and eastern zones of India where they were in a majority.

Some influential Muslim leaders could not give their whole-hearted support to this demand because they were keen to have the support of non-Muslims to keep themselves in power. Most Britons also opposed the League demand because, in their view, for defence, foreign affairs, economic development and other important matters, it was vital for India that she should remain a united country. However, they agreed with the Muslim view that there were essential differences between the Hindu and Muslim outlooks on life. They, therefore, suggested that future constitutional and other developments in India should take place with the consent of both Hindus and Muslims.

The strongest opposition to the League demand came from the Hindus and Sikhs who argued that the League claim that the Muslims formed a nation separate from the other Indian communities was fallacious and that, in spite of different religions, all Indians formed one single nation and therefore the League case for a separate State for the Muslims was untenable. Taking all these factors into consideration, the establishment of Pakistan in the short span of about seven years is surely a very extraordinary development.

1. The Pakistan Resolution[1]

23 *March* 1940

While approving and endorsing the action taken by the Council and the Working Committee of the All India Muslim League, as indicated in their resolutions dated the 27th of August, 17th and 18th of September and 22nd of October 1939, and 3rd of February 1940 on the constitutional issue, this Session of the All India Muslim League emphatically reiterates that the scheme of Federation embodied in the Government of India Act, 1935, is totally unsuited to, and unworkable in the peculiar conditions of this country and is altogether unacceptable to Muslim India.

It further records its emphatic view that while the declaration dated the 18th of October 1939, made by the Viceroy on behalf of His Majesty's Government is reassuring in so far as it declares that the policy and plan on which the Government of India Act, 1935, is based will be reconsidered in consultation with the various parties, interests and communities in India, Muslim India will not be satisfied unless the whole constitutional plan is reconsidered *de novo* and that no revised plan would be acceptable to the Muslims unless it is framed with their approval and consent.

Resolved that it is the considered view of this Session of the All India Muslim League that no constitutional plan would be workable in this country or acceptable to the Muslims unless it is designed on the following basic principle, *viz.* that geographically contiguous units are demarcated into regions which should be so constituted, with such territorial readjustments as may be necessary, that the areas in which the Muslims are numerically in a majority as in the North-Western and Eastern zones of India should be grouped to constitute 'Independent States'[2] in which the constituent units shall be autonomous and sovereign.

That adequate, effective and mandatory safeguards should be specifically provided in the constitution for minorities in these units and in the regions for the protection of their religious, cultural, economic, political, administrative and other rights and interests in consultation with them and in other parts of India where the Mussalmans are in a minority adequate, effective and mandatory safeguards shall be specifically provided in the constitution for them and other minorities for the protection of their religious, cultural, economic, political, administrative and other rights and interests in consultation with them.

This Session further authorises the Working Committee to frame a scheme of constitution in accordance with these basic principles, providing for the assumption finally by the respective regions of all powers such as defence, external affairs, communications, customs and such other matters as may be necessary.

[1]Resolutions of the All India Muslim League from December 1938 to March 1940, published by (Nawabzada) Liaquat Ali Khan, M. A. (Oxon), M.L.A. (U.P.), Barrister-at-Law, Honorary Secretary, All India Muslim League, Delhi, pp. 47-48.

[2]The ambiguity created by the use of the word 'States' was clarified by M.A. Jinnah in his letter dated 17 September 1944 to M.K. Gandhi. (See item 34, (ii) in Chapter II). Ed.

2. A.K. Fazlul Haq on the Pakistan Resolution[1]

The Hon. Moulvi Fazlul Haq, the Premier of Bengal, while moving the resolution said that they had stated definitely and in unequivocal terms that what they wanted was not merely tinkering with the idea of federation, but its thorough overhaul, so that federation might ultimately go. The idea of federation must not only be postponed, but abandoned.

On many an occasion on the platform of the Muslim League and the other day in the Bengal Legislative Assembly, he had made an emphatic and definite assertion that the Muslims of India would not consent to any scheme which was framed without their approval. To them only that constitution would be acceptable as was framed from the Muslim point of view.

If any constitution was forced on them, they would make such a constitution absolutely unworkable. He hoped that those who had in their power to shape the future constitution of India would take the Muslim feelings into consideration and would not take any step which might be regretted.

The Muslims, he said, had made their position absolutely clear. At present they constituted 80 millions scattered all over India. It might sound a big number, but as a matter of fact the Muslims were in a weak position numerically in almost every province of India.

In the Punjab and Bengal they were in a majority, but not in an effective majority, and were hopelessly in a minority elsewhere.

The position was such that whatever might be the constitution, Muslim interests were bound to suffer just as they had suffered during the last three years of the working of provincial autonomy.

Continuing, Moulvi Fazlul Haq referred to the presidential address of Maulana Abul Kalam Azad at the All India Congress session and characterised as un-Islamic the statement of the Maulana that the Muslims should not feel nervous: 80 millions was not a small number and they need not be afraid.

He reminded the Maulana that even in the Punjab and Bengal the position of Muslims was not safe. Situated as they were, their political enemies could take advantage of the situation. They had to seek the help of other interests and minorities to form coalition governments which were the weakest form of Governments known to constitutionalists.

As regards other provinces, they were in a very weak position and were at the mercy of the majority.

Until a satisfactory solution was found of this unequal distribution of the Muslim population, it was useless to talk of constitutional advance or of safeguards which were illusory.

He appealed to the Muslims throughout India to remain united and remember that they had to stand on their own feet and could not look to any

[1]Summary of speech made by A.K. Fazlul Haq, as reproduced in All-India Muslim League, Lahore Session, March 1940, Presidential Address by M.A. Jinnah, published by (Nawabzada) Liaquat Ali Khan, M.A. (Oxon), M.L.A. (U.P.), Barrister-at-Law, Honorary Secretary, All-India Muslim League, Delhi, pp. 30-32.

one for help or even guidance.

3. Choudhry Khaliquzzaman on the Pakistan Resolution[1]

Choudhry Khaliquzzaman Saheb, M.L.A., Leader of the Opposition Party in the U.P. Legislative Assembly, seconded the resolution and said that they should consider the circumstances which had forced the Muslims to demand separation.

Firstly, the responsibility for this demand rested on the British Government, "who in order to exploit the Indians decla redthat India was one nation and started the majority and minority question. They opened a flood of such stupendous propaganda that the question came to be regarded as a real problem where in fact it did not exist."

Secondly, the Congress and the majority community were responsible for the separation demand. The working of provincial autonomy in the Congress provinces had finally decided the question. The treatment the minorities received required no comment.

The Muslims had now realised that their existence was in danger and, if they wanted to maintain their identity, they must struggle for it.

Thirdly, the demand for separation was a result of the activities of those Muslims who tried to split the ranks of the Muslims by setting up rival organisations or joining the Congress or other non-Muslim political parties.

Maulana Azad, he continued, had said that Muslims should not demand separation because they were strong enough to defend themselves. But, remarked Choudhry Saheb, if the issue between the Hindus and Muslims was to be decided by means of the sword, the Muslims had no fear. They did not need 9 crores to settle it. As it was, the issue depended on votes.

Continuing, Choudhry Saheb said that a true Muslim Leaguer was the friend of the Congress because he informed them of the true Muslim sentiments. If the Congress continued to act on the advice of Muslim Congressmen, he was sure there would be civil war in India.

He said that Muslims in the minority provinces should not be afraid as to what would happen to them after the partition of India into "Hindu India" and "Muslim India". The same thing would happen to them as to the minorities in the Punjab and Bengal.

Further, he said, when the Congress demanded independence from the British, the door was always open, but when they were asking for independence, the door was supposed to be banged. They had been accused of always acting on a negative policy and had never presented constructive proposals and he hoped that they would be considered favourably.

M.A. Jinnah on the Indian Problem[2]

The problem in India is not of an intercommunal character, but manifestly

[1]Summary of speech made by Choudhry Khaliquzzaman, as reproduced in *ibid.*, pp. 32-34,
[2]*Ibid.*, pp. 21-25.

of an international one, and it must be treated as such. So long as this basic and fundamental truth is not realised, any constitution that may be built will result in disaster and will prove destructive and harmful not only to the Mussalmans, but to the British and Hindus also. If the British Government are really in earnest and sincere to secure peace and happiness of the people of this sub-continent, the only course open to us all is to allow the major nations separate homelands by dividing India into 'autonomous national states'. There is no reason why these states should be antagonistic to each other. On the other hand the rivalry and the natural desire and efforts on the part of one to dominate the social order and establish political supremacy over the other in the government of the country will disappear. It will lead more towards natural goodwill by international pacts between them, and they can live in complete harmony with their neighbours. This will lead further to a friendly settlement all the more easily with regard to minorities by reciprocal arrangements and adjustments between Muslim India and Hindu India, which will far more adequately and effectively safeguard the rights and interests of Muslims and various other minorities.

It is extremely difficult to appreciate why our Hindu friends fail to understand the real nature of Islam and Hinduism. They are not religions in the strict sense of the word, but are, in fact, different and distinct social orders and it is a dream that the Hindus and Muslims can ever evolve a common nationality, and this misconception of one Indian nation has gone far beyond the limits and is the cause of most of our troubles and will lead India to destruction if we fail to revise our notions in time. The Hindus and Muslims belong to two different religious philosophies, social customs, literature. They neither intermarry, nor interdine together and, indeed they belong to two different civilizations which are based mainly on conflicting ideas and conceptions. Their aspects on life and of life are different. It is quite clear that Hindus and Mussalmans derive their inspiration from different sources of history. They have different epics, their heroes are different, and different episodes. Very often the hero of one is a foe of the other and, likewise their victories and defeats overlap. To yoke together two such nations under a single state, one as a numerical minority and the other as a majority, must lead to growing discontent and final destruction of any fabric that may be so built up for the government of such a state.

History has presented to us many examples such as the Union of Great Britain and Ireland, Czechoslovakia and Poland. History has also shown to us many geographical tracts, much smaller than the sub-continent of India, which otherwise might have been called one country but which have been divided into as many states as there are nations inhabiting them. The Balkan Peninsula comprises as many as 7 or 8 sovereign states. Likewise, the Portuguese and the Spanish stand divided in the Iberian Peninusula. Whereas under the plea of unity of India and one nation, which does not exist, it is sought to pursue here the line of one central government when we know that the history of the last 12 hundred years has failed to achieve unity and has witnessed, during these ages, India always divided into Hindu India and Muslim India. The present artificial unity of India dates back only to the British conquest and is maintained by the British bayonet; but the termination

of the British regime, which is implicit in the recent declaration of His Majesty's Government, will be the herald of the entire break up with a worse disaster than has ever taken place during the last one thousand years under the Muslims. Surely that is not the legacy which Britain would bequeath to India after 150 years of her rule, nor would Hindu and Muslim India risk such a sure catastrophe.

Muslim India cannot expect any constitution which must necessarily result in a Hindu majority government. Hindus and Muslims brought together under a democratic system forced upon the minorities can only mean Hindu Raj. Democracy of the kind with which the Congress High Command is enamoured would mean the complete destruction of what is most precious in Islam. We have had ample experience of the working of the provincial constitutions during the last two and a half years and any repetition of such a government must lead to civil war and raising private armies as recommended by Mr. Gandhi to Hindus of Sukkur when he said that they must defend themselves violently or non-violently, blow for blow, and if they could not, they must migrate.

Mussalmans are not a minority as it is commonly known and understood. One has only got to look round. Even today, according to the British map of India, out of 11 provinces 4 provinces where the Muslims dominate more or less, are functioning notwithstanding the decision of the Congress High Command to non-co-operate and prepare for civil disobedience. Mussalmans are a nation according to any definition of a nation and they must have their homelands, their territory and their state. We wish to live in peace and harmony with our neighbours as a free and independent people. We wish our people to develop to the fullest our spiritual, cultural, economic, social and political life in a way that we think best and in consonance with our own ideals and according to the genius of our people....

4. M. K. Gandhi on the Pakistan Resolution

I[1]

I admit that the step taken by the Muslim League at Lahore creates a baffling situation. But I do not regard it as so baffling as to make civil disobedience an impossibility. Supposing that the Congress is reduced to a hopeless minority, it will still be open to it, and indeed it may be its duty, to resort to civil disobedience. The struggle will not be against the majority, but it will be against the foreign ruler. If the struggle succeeds, the fruits thereof will be reaped as well by the Congress as by the opposing majority. Let me, however, say, in paranthesis, that until the conditions I have mentioned for the starting of civil disobedience are fulfilled, civil disobedience cannot be started in any case. In the present instance there is nothing to prevent the imperial rulers from declaring their will in unequivocal terms that henceforth India will govern herself according to her own will, not that of the rulers, as has happened hitherto. Neither the Muslim League, nor any other

[1]From *Harijan*, dated 6 April 1940, as reproduced in D.G. Tendulkar, *Mahatma*, Volume V, The Publications Division, Ministry of Information and Broadcasting, Government of India, Delhi, March 1962, pp. 269-270.

party, can oppose such a declaration. For the Muslims will be entitled to dictate their own terms. Unless the rest of India wishes to engage in internal fratricide, the others will have to submit to the Muslims dictation, if the Muslims will resort to it. I know no non-violent method of compelling the obedience of eight crores of Muslims to the will of the rest of India, however powerful a majority the rest may represent. The Muslims must have the same right of self-detetmination that the rest of India has. We are at present a joint family. Any member may claim a division.

Thus, so far as I am concerned, my proposition that there is no swaraj without communal unity holds as good today, as when I first enunciated it in 1919.

But civil disobedience stands on a different footing. It is open even to one single person to offer civil disobedience, if he feels the call. It will not be offered by the Congress alone, or for any particular group. Whatever benefit accrues from it, will belong to the whole of India. The injury, if there is any, will belong only to the civil disobedience party.

But I do not believe that Muslims, when it comes to a matter of actual decision, will ever want vivisection. Their good sense will prevent them. Their self-interest will deter them. Their religion will forbid the obvious suicide, which the partition would mean. The 'two nations' theory is an untruth. The vast majority of Muslims of India are converts to Islam or are the descendants of converts. They did not become a separate nation, as soon as they became converts. A Bengali Muslim speaks the same tongue that a Bengali Hindu does, eats the same food and has the same amusements, as his Hindu neighbour. They dress alike. I have often found it difficult to distinguish by outward sign, between a Bengali Hindu and a Bengali Muslim. The same phenomenon is observable more or less in the south among the poor who constitute the masses of India....

II[1]

As a man of non-violence, I cannot forcibly resist the proposed partition, if the Muslims of India really insist upon it. But I never can be a willing party to the vivisection. I would employ every non-violent means to prevent it. For it means the undoing of centuries of work done by numberless Hindus and Muslims to live together as one nation. Partition means a patent untruth. My whole soul rebels against the idea that Hinduism and Islam represent two antagonistic cultures and doctrines. To assent to such a doctrine is for me denial of God. For I believe with my whole soul that the God of the Koran is also the God of the Gita, and that we are all, no matter by what name designated, children of the same God. I must rebel against the idea that millions of Indians who were Hindus the other day changed their nationality on adopting Islam as their religion.

But that is my belief. I cannot thrust it down the throats of the Muslims who think that they are a different nation. I refuse, however, to believe that the

[1]From reply to the statement of Nawabzada Liaquat Ali Khan published in *Harijan*, dated 13 April 1940, as reproduced in *ibid.*, pp. 271-272.

eight crores of Muslims will say that they have nothing in common with their Hindu and other brethren. Their mind can only be known by a referendum made to them duly on that clear issue. The contemplated constituent assembly can easily decide the question. Naturally on an issue such as this, there can be no arbitration. It is purely a matter of self-determination. I know of no other conclusive method of ascertaining the mind of the eight crores of Muslims.

But the contemplated constituent assembly will have the framing of a constitution as its main function. It cannot do this, until the communal question is settled.

I still believe that there can be no swaraj by non-violent means without communal unity. And eight crores of Muslims can certainly bar the way to peaceful freedom.

If then I still talk of civil disobedience, it is because I believe that the Muslim masses want freedom as much as the rest of the population of this country. And assuming that they do not, civil disobedience will be a powerful means of educating the public opinion whether Muslim, Hindu or any other. It will also be an education of world opinion. But I will not embark upon it, unless I am, as far as is humanly possible, sure that non-violence will be observed both in spirit and in the letter. I hope that the Nawabzada has no difficulty in believing that whatever is gained by civil disobedience will be gained for all. When India gets the power to frame her own constitution, the Muslims will surely have a decisive voice in shaping their own future. It will not be, cannot be, decided by the vote of the majority.

5. B.R. Ambedkar on the Ideal of an Integral India[1]

It is a question to be considered whether integral India is an ideal worth fighting for. In the first place even if India remained as one integral whole it will never be an organic whole. India may in name be continued to be known as one country but in reality it will be two separate countries—Pakistan and Hindustan—joined together by a forced and artificial union. This will be specially so under the stress of the two-nation theory. As it is, the idea of unity has had little hold on the Indian world of fact and reality, little charm for the common Indian, Hindu or Muslim, whose vision is bounded by the valley in which he lives. But it did appeal to the imaginative and unsophisticated minds on both sides. The two-nation theory will not leave room even for the growth of that sentimental desire for unity. The spread of that virus of dualism in the body politic must some day create a mentality which is sure to call for a life and death struggle for the dissolution of this forced union. If by reason of some superior force the dissolution does not take place, one thing is sure to happen to India—namely that this continued union will go on sapping her vitality, loosening its cohesion, weakening its hold on the love and faith of her people and preventing the use, if not retarding the growth, of its moral and material resources. India will be an anaemic and sickly state, ineffective, a living corpse, dead though not buried.

The second disadvantage of this forced union will be the necessity of finding

[1] *Thoughts on Pakistan*, Thacker and Company Limited, Bombay, 1941, pp. 342-343.

a basis for Hindu-Moslem settlement. How difficult it is to reach a settlement no one needs to be told. What more can one be offered—short of dividing India into Pakistan and Hindustan—to bring about a settlement, than what has already been conceded without injury to the other interests in the country, it is difficult to conceive. But whatever the difficulties be, it cannot be gainsaid that if this forced union continues there will be no political advance for India unless it is accompanied by Communal Settlement. Indeed a Communal Settlement—rather an international settlement, for now and hereafter Hindus and Muslims must be treated as two nations—will remain under this scheme of forced union a condition precedent for every inch of political progress.

There is a third disadvantage of this forced political union. It cannot eliminate the presence of a third party. In the first place the constitution, if one comes into existence, will be a federation of mutually suspicious and unfriendly states. They will of their own accord want the presence of a third party to appeal to in cases of dispute. For their suspicious and unfriendly relationship towards each other will come in the way of the two nations reaching satisfaction by the method of negotiation. India will not have in future even that unity of opposition to the British which used to gladden the hearts of so many in the past. For the two nations will be more opposed to each other than before, ever to become united against the British. In the second place the basis of the constitution will be the settlement between the Hindus and the Muslims and for the successful working of such a constitution the presence of a third party and be it noted, with sufficient armed force, will be necessary to see that the settlement is not broken.

6. K.K. Aziz on the Pakistan Demand[1]

Why did the Muslims demand Pakistan? And, why was the demand made in 1940? The Pakistan scheme was a proof of the desperate apprehension with which Muslims regarded the prospect of Hindu domination. Had the Congress formed coalitions in the provinces the already existing fissiparous tendencies might have been prevented from spreading. The policy of the Muslim League in asking for a division of the country was a direct answer to the Congress policy of persisting in a unitary nationalism and in the rule of the majority. All the assumptions on which the Muslim acceptance of the 1935 constitution had been based were destroyed by the working of provincial autonomy in the Hindu provinces. The Hindu demand for a constituent assembly to draw up a constitution for all India proved the last straw. If the Hindus wanted a strong centre and were not prepared to compromise on it, the Muslims did not want a centre at all. If the Hindus believed in the rule of the majority, the Muslims denied that they were a minority. We are a nation apart, they proclaimed, and therefore entitled to rule ourselves. To the objection that the creation of Pakistan would not solve the minority problem, as a substantial Muslim population would still be left in India, they replied that Pakistan would not only safeguard the Muslims left

[1] *The Making of Pakistan: A Study in Nationalism*, Chatto & Windus, London, 1967, pp. 60-61.

behind in India (on the principle of 'mutual retaliation') but also give self-respect to those who lived within the boundaries of Pakistan.

With the adoption of the Pakistan ideal by the Muslim League in 1940, Muslim nationalism had come into its own. It had taken the Muslims three-quarters of a century finally to decide what they wanted. They had tried everything: a revolt in 1857, friendhsip with Britain, opposition to the Congress, extremist agitation, co-operation with the Congress, belligerent neutrality, negotiatons, appeals and threats. First, as dethroned rulers, they resented the overlordship of the British. Then as a weak minority, they sought friendship with the governing power. Then, for a time, they made common cause with the Hindus and led the Khilafat agitation. Then, once again, their separation came to the surface and they fought for communal safeguards. When these safeguards failed to give them the protection they needed or expected the latent nationalism triumphed. The march of history had made a nation of a community. No longer did they eat out their heart in sullen impotence, trusting in the beneficence of the British or the goodwill of the Hindus. To the Congress claim that India was a national State, that it was neither plural nor multi-national, the Muslims answered with the brand-new idea of a separate Muslim nationalism. It was difficult to stage a battle between a minority and a majority; the principle of democracy would ensure the victory of the big battalions. But it was possible to elevate the conflict to the plane of nationalism. India, said Jinnah, was not a national problem at all; it was an international problem and must be solved as such.

7. The Civil & Military Gazette on the Pakistan Scheme[1]

Because of the freedom given to the people of India to formulate the Constitution of the future, the Pakistan project, whatever its defects, cannot be rejected off-hand. The Hindu and other communities in India will have to point out its defects to the vast body of Muslims who support the project and to seek their removal, not by threats, but by persuasive logic. Similarly, the Muslims cannot remain in a position of splendid isolation and expect the Constitution of the future to materialise because they have already pronounced their final verdict in the Pakistan scheme. Mr. Jinnah, the President of the Muslim League, in his address at the Pakistan Conference in Lahore, has, perhaps, unconsciously shown how the Pakistan project has already undergone a subtle change by acknowledging by implication the inevitability of Federation in the constitutional scheme. The Pakistan project now emphasises, therefore, only the autonomous powers of provinces in India in which the population is predominantly Muslim.[2] Looked at from this angle, the Pakistan project loses the terror it holds when its advocates base its

[1]From leading article in *The Civil & Miliatry Gazette*, Lahore, 4 March 1941.

[2]This impression seems to have been created by Jinnah's references to the question of India's defence. As "Politicus" remarked in the *Civil & Military Gazette* of 9 March 1941: "As far as the defence of the country is concerned Mr. Jinnah says that Muslim India will protect the north-western frontier and the Hindus should defend the south and west. This will necessarily mean co-ordination and some of the staunch supporters of Pakistan openly admit that there will have to be a common defence under one leadership, the army belonging to the whole of India." Ed.

claim for acceptance on the ground that it reflects the political aspirations of a nation which is different from the Hindu nation. This argument of the supporters of the Pakistan project tested in the light of experience of the United States of America presents no insuperable obstacle to Federation; in each of the forty-eight States of the Union not two, but probably twenty, nations are living harmoniously together without losing their indentiy. It may be that the emphasis laid on the autonomy of the provinces where Muslims are in a majority in the Pakistan scheme of the Muslim League may call for provisions in the federal plan in India which are not to be found in the federal system elsewhere, but the emphasis does not militate against the federation of the autonomous units in India. The Muslim League has time enough at its disposal to clarify its position in regard to the implications of its Pakistan project, but if its Pakistan project only aims at making the autonomy of provinces in which Muslims are in a majority completely effective, there is no justification for the Muslim League doing anything which may confuse the Pakistan issue with the issue of the war effort of Muslims in India. Mr. Jinnah has wisely declared that the future of the Pakistan project of the Muslim League has nothing whatever to do with his adventures in the wilderness of non-co-operation with the Government of India or with the co-operation of Muslims as a whole with Britain in the war against Nazism and Fascism.

8. Sir Sikandar Hayat Khan on the Pakistan Resolution[1]

11 *March* 1941

...When that resolution (*i.e.* the Lahore resolution) was passed it was termed the Lahore resolution; the word Pakistan was not used at the League meeting and this term was not applied to the League resolution by anybody until the Hindu Press had a brain-wave and dubbed it Pakistan. They have sown the wind and must now reap the whirlwind. It has been said that I am the author of the Lahore resolution. I have no hesitation in admitting that I was responsible for drafting the original resolution. But let me make it clear that the resolution which I drafted was radically amended by the Working Committee, and there is a wide divergence in the resolution I drafted and the one that was finally passed. The main difference between the two resolutions is that the latter part of my resolution which related to the Centre and co-ordination of the activities of the various units was eliminated. It is, therefore, a travesty of fact to describe the League resolution as it was finally passed as my resolution. It must be taken as the official resolution of the Muslim League which was ratified by the Muslim League....

This is what I visualise regarding the future status and constitution of my country. As I have repeatedly declared, it is my fixed conviction that the future destiny of India lies in accepting a position of freedom within the British Commonwealth....which is the main and perhaps the only safeguard against aggression so far as we are concerned....So apart from other considerations, from the point

[1]From speech in the Punjab Legislative Assembly, *Punjab Legislative Assembly Debates*, Vol. XVI, Superintendent, Government Printing Press Lahore, 1942, pp. 350-356.

of view of safety and integrity of India alone, it would be criminal folly even to think of severing our connection with the British Commonwealth. That is my position with regard to the future status of India after the war. As for the principles on which the new constitution should be based, there again my views are well known. I believe and, in spite of the various developments which have taken place since my scheme was originally published, I adhere to my belief that my proposals provide an equitable basis and perhaps the only basis for the solution of the constitutional problem. Under my scheme every unit will enjoy complete autonomy in its internal affairs. It is fortunate that the population of India is so distributed in the various units that in four out of the eleven British Indian provinces Muslims are in the majority, though in two of these they have just a bare majority—while in the remaining seven provinces Hindus are in the majority....it provides the fullest opportunity and scope to the two major communities, within their respective territorial spheres to exercise and enjoy the rights of a majority, subject, of course, to the rights and privileges of the minorities. If we accept this principle, which to my mind is a rational principle, then all those difficulties which are of our own making, and which obstruct our constitutional progress will disappear as if by a magic wand. As I understand it, what the Muslims desire is that where they are in a majority they should not be thwarted by anybody in the exercise of their inherent rights as a majority when they are prepared to give constitutional guarantees to the minorities for the protection of their rights and interests in the Muslim majority provinces. At the same time they are willing to concede—and they cannot reasonably deny to the Hindus what they claim for themselves as a just right—the same rights and privileges to the Hindus in the provinces in which they happen to be the majority community. Surely this is not an unfair proposition. Since the Hindus will benefit from this proposal in seven out of eleven provinces, why should they grudge the same facilities and privileges to the Muslims in the four Muslim majority provinces? I am sure that if the problem is examined dispassionately, in the light of the observations I have made, nobody with any sense of justice and fairplay will deny that the solution I have suggested will secure for all concerned their due rights and share in the administrative, political and economic spheres without trenching on the legitimate rights of the majority, be it a Hindu or a Muslim majority. Moreover, the Muslims fear that if the provinces are not free and autonomous, there will always be a danger of undue and unwarranted interference from the Centre which will be dominated by the Hindus. They argue that so far as the seven Hindu majority provinces are concerned, they will be 'on velvet' the whole time because they will have a Hindu Government in the provinces and a Hindu majority at the Centre. It is conceivable, they say, that a Central Government with a Hindu majority would use its authority and influence to strengthen the position of Hindu provinces in the political, economic, social and cultural fields at the expense of the Muslim majority provinces on the one hand, while on the other they would try to undermine the authority and position of the latter by unnecessary interference and unjust restrictions and obstructions. These doubts and misgivings may be unfounded. The mutual mistrust, which holds the field, is unfortunate and tragic, but the fact remains that the suspicion and mistrust

does exist, and I do not see how it is to be removed except by some such device as I have suggested....

You may well ask how do I propose to keep the units together, and what would happen if there is no Central authority and all the provinces and states are free. I have explained that Muslims are opposed to an all powerful Centre because they are afraid that a communal oligarchy in power might undermine or altogether nullify the autonomy and freedom of the provinces. That is the suspicion that haunts them. It may not be well founded but there it is; and we must face facts. Now how can we remove their doubts and misgivings? How best can we meet their objection? Here is my recipe for what it is worth: I say, give complete autonomy and freedom to the units and let them be demarcated into regions or zones on a territorial basis. Representatives of the units within each zone should represent their respective units as also the region at the Centre. The Centre thus constituted will not be a domineering hostile Centre looking for opportunities to interfere with the work of provincial Governments, but a sympathetic agency enjoying the confidence and support of the provinces—a body set up by the units to control and supervise the central administrative machinery and to see that the work entrusted to it by the provinces is carried on efficiently, amicably and justly. You can call it the Central Government or a co-ordinating committee, or call it by any other name you like.... It will not be a rigid Centre, and it will consist of representatives of the units selected by the provincial legislatures or governments responsible to the people of the province. The Centre will be elastic in the sense that except for subjects entrusted to it by prior agreement, *e.g.*, Defence, Maritime Customs, Currency and Coinage and External Affairs, only such other matters and powers will be delegated to the Centre as the units may by agreement decide to transfer, and for such period as may be specified in the instrument of delegation. As regards actual administration of these subjects they can be administered by committees on which every region must be represented or in the alternative by a representative executive. Again the decisions need not be on a bare majority basis.... Again, it might be advisable to make a provision which would enable a region—provided a specified number of units demand it—to secede within a prescribed period of say 10, 15 or 25 years. This may be necessary in order to satisfy the units that, if in spite of the safeguards in the constitution, it is found that their rights are not adequately secure, they will have an opportunity to reconsider their position. If the units or a region find that they do not get a fair deal at the Centre, they should have the right to transfer their constitutional relationship from the Centre direct to the Crown—but only after a fair and honest trial....

9. Master Tara Singh on Non-Muslim Attitude to the Pakistan Demand[1]

12 *April* 1941

I do not share the view of those who say that Pakistan is impracticable. We are opposed to Pakistan because its very conception is based on extreme communal

[1]From speech at Karachi, *The Civil & Military Gazette*, Lahore, 13 April 1941.

considerations, because its aim is not the protection of Muslims but their domination over the minorities, because it is conceived in the interest of one community and not in the interest of the minorities, because it creates ever-fighting divisions of the country. The Pakistan scheme aims at Muslim domination in certain parts of the country. This mentality of domination is so bad that its result can only be chaos and anarchy. If we think we, Hindus and Muslims, cannot unite on any basis whatsoever, let us then frankly say that we are unfit for *swaraj* and agree to foreign rule.

10. The Sikhs and Pakistan[1]

The writer of the Muslim point of view in *The Civil & Military Gazette* expresses surprise at the attitude of the Sikhs regarding Pakistan. He fails to understand why Sikhs should not be in favour of the scheme by which the Punjab, which they claim to be their Holy Land, should be free from the domination of the Central Government. Then again the writer points out that the Sikhs claim it to be the glory of their history that they liberated the persecuted people of the Punjab from the alleged tyrannies of a domineering Imperial Centre when they stood for Akhand Hindustan, but they now seem to be anxious to prove that they were only traitors to that ideal of Akhand Hindustan.

This line of reasoning discloses as much ignorance of history as confusion of thought.

The Sikhs undoubtedly consider the Punjab to be their Holy Land, for it is the birth place of their Gurus as well as the grave of their martyrs. It is because of this holy character of the Land of Five Rivers that Sikhs cannot tolerate its government under Islamic laws by a Pakistani Government.

The domineering Centre in a federal India will be debarred by statute from interfering with the internal working of autonomous provinces. The sphere of activity of the Central Government will be confined to such important and common functions as defence, customs, fiscal policy, foreign affairs and the like. The Centre will certainly in the last resort be responsible for the preservation of internal peace as well as the security of the country from external aggression, but this should be considered a wholesome check on the vagaries of some provincial Goverments or against the failure of some of them to protect life and property. The provinces, however, will have full freedom to adopt social or economic measures for the welfare of the people under their charge.

The Punjab, therefore, under a free India with a federal Government, will have full freedom barring a few common matters which will be the concern of the Centre. The provincial Government will be a Punjabi Government in which the major communities will have a proper share and will exercise their full influence in moulding policies for the common good of all citizens. It is the holy character of the Punjab from the Sikh point of view which makes the Sikhs stand against any scheme which is likely to turn the Punjab into an Islamic State.

The Sikhs fought not against the old imperial Centre as such but against

[1] *The Civil & Military Gazette*, Lahore, 18 November 1941. (The author of this article has not revealed his identity. Ed.)

the then tyrannical Government established in the land of their birth. The imperial Centre was about to totter on account of its inherent weaknesses and its unjust acts. It can in no way be compared to the Federal Government at the Centre which is proposed to be established in India or which exists in Canada or other Dominions. The Sikhs' revolt was against the whole imperial Government of the day and not only against the 'Suba' of Lahore. As a practical proposition, they could strike at only one point as the Marhattas struck at the other. If the whole of India could not be liberated from the yoke of foreign Moghal rulers, the Sikhs at any rate liberated a portion of it. The Government of those days was by no stretch of imagination the Government of the people against which the Sikhs revolted to carve out their own kingdom. They should have conquered the whole of Hindustan if they could, but their designs were checked by the British who had established their power on the eastern boundaries of the Punjab.

But the whole question of Pakistan and Akhand Hindustan has to be considered in the light of the present-day conditions.

The whole of Hindustan as such has been known for ages as one country. For centuries, Hindu or Muslim rulers, so long as they were strong and just, governed it through their provincial 'Subas'. Weakness at the Centre no doubt tempted several provincial governors to establish their separate kingdoms resulting in internecine warfare. The strong hand of the British ultimately put an end to this state of civil war in the country and restored order.

A country like India is best suited for the federal form of government. The tendency in Greater Germany, the U.S.A. and the British Dominions, has been to unite under a common Centre rather than to go adrift. This war has disclosed the inherent weakness of smaller nations and countries. Must India be cut into pieces and weakened merely because one community takes it into its head to do so?

The proposal of vivisection of the country can offer no solution of the communal problem, for minorities and majorities are bound to remain in the Pakistan scheme, unless it is followed by an exchange of populations. In that case every community should have its sovereign State. Taken to its logical conclusion, the Pakistan idea will lead to the establishment of hundreds of small warring states which will become an easy prey to an ambitious foreign invader. History will then repeat itself. Muslims should therefore think seriously about the danger of the scheme which they seem to have evolved in a fit of anger or desperation.

11. L.S. Amery on Indian Unity[1]

19 *November* 1941

The task before Indian statesmanship is no doubt immensely difficult. But it is certainly not hopeless. Beneath all the differences of religion, of culture, of race and political structure, there is an underlying unity. There is the fundamen-

[1]From speech at Manchester Luncheon Club, L.S. Amery, *India and Freedom*, Oxford Univeristy Press, London, 1942, p. 48.

tal geographical unity which has walled India off from the outside world while, at the same time, erecting no serious internal barriers. There is the broad unity of race which makes Indians as a whole, whatever their differences among themselves, a distinctive type among the main races of mankind. There is the political unity which she has enjoyed from time to time in her history, and which we have confirmed in far stronger fashion than any of our predecessors in a unity of administration, of law, of economic development and of communications. I would say, indeed, that if some sort of Indian unity had not existed it would have to be invented. If India were broken up and reverted to chaos tomorrow, Indians would have to set about trying to invent for her at any rate some minimum of unity against the dangers from outside. Why then should they not take her over now as a going concern, though one remoulded nearer to their own heart's desire?

12. Editor of The Civil & Military Gazette on the Constitutional Impasse[1]

The Civil & Military Gazette stands for the preservation of the integrity of India. It opposes Pakistan for a variety of reasons. It sees but one way out of the political and constitutional 'impasse' and that is by the devolution of the utmost power to autonomous provinces and machinery whereby decisions at the Centre must receive endorsement from a majority in each community represented there.

13. Sir Hassan Suhrawardy on the Significance of the Pakistan Scheme[2]

Pakistan: What does it Signify? The Pakistan plan, not in the early forms, but as sponsored by Mr. Jinnah, as far as I can make out, will provide the Muslims with independent States under the Statute of Westminster. They will have the right to their own flag, their own independent existence, to choose their own representatives in the Dominions of the British Commonwealth and in foreign countries, and to conduct their own foreign relations. The Muslims will be free to plan their own economic life, preserve their traditions, develop their culture, observe freedom of worship, and enjoy political self-expression....The details for working the independent Muslim States will be determined after the war is won. The boundaries have to be settled and the areas allocated. Whether or not they are to be co-termini with enclaves will then be decided, but the principle has to be accepted and guaranteed now.

Mr. Jinnah envisages the course followed in the evolution of the Union of the Commonwealth of Australia and that of the Dominion of Canada. The Muslim States will first function as separate and independent units in the British Commonwealth of Nations, and, if and when found feasible, confederate as equal partners by mutual consent with other parts of India and with other Dominions. There will be no difficulty in guaranteeing the maintenance of free trade in India. The matter depends on reciprocal arrangements and goodwill. Plans for sea and

[1] *The Civil & Military Gazette*, Lahore, 12 March 1942.

[2] From lecture on "The Indian Crisis: Muslim Viewpoints" given at a joint meeting of the Royal Central Asian Society and the East India Association on 4 November 1942, published in *Journal of the Royal Central Asian Society*, London, January 1943, pp. 61-63.

external land Customs, a central machinery for the control of Indian continental communications, excise and taxes at unified rates, and for other forms of modern good government can be formulated and adjusted with the consent of the parties concerned.

The Pakistan which I have explained does not contemplate amalgamation with any foreign kingdom nor with Indian States, but proposes the union of autonomous Provinces only in British India. Therefore the interpretation that the word "Pak" is made up of the first letter of the three countries which it is contemplated to unite—namely, Punjab, Afghanistan or Afghan border countries (North-West Frontier Province and Baluchistan) with the Indian State of Kashmir—is not Mr. Jinnah's Pakistan. Nor does the Pakistan movement, as envisaged by Mr. Jinnah, require any uprooting of associations and ties of homeland which have existed for generations by an interchange of populations from the Hindu majority Provinces to the Muslim majority Provinces. What, then, does Pakistan signify?

Pakistan is the planned symbol and exposition of certain facts, and ensures human decency and social progress for millions, without distinction of creed, caste or colour. It is by no means an aggressive movement against any community or political party. If anything, it is a protective and defensive movement; its root causes lie in the social injustice and selfish exclusiveness of that great evil, the caste system of the Hindus.

The Muslims and Christians are known as *melachyyas* by the orthodox Hindus. The meaning of this terms is 'unclean, impure, dirty'. The process of conversion of a Muslim or a Christian back to Hinduism is called *shuddhi,* which means the process of cleansing or purifying. Yet Islam makes cleanliness a part of godliness. Physical cleanliness and spiritual purifications are linked together. Ablution is necessary before offering prayers. Prayers cannot be offered in a state of physical impurity. The worshipper must be clean in body, wear clean clothes—decent, though it may be simple. It is for the purpose of removing this misrepresentation of being called impure or dirty that the term 'Pakistan' has been used. This compound word is made up of 'Pak', which in Persian means 'pure or clean', with 'Istan', of Sanskrit origin, meaning 'the land of'. Therefore Pakistan means 'the land of the pure or clean'. Our Hindu brethren in the parts of India concerned will be quite welcome inside it, as possessing full rights of citizenship.

The Punjab Position: The difficulty in implementing the scheme of Pakistan in the north-west block lies in the objections recorded at Delhi in March, 1942, to the Cripps proposals by the spokesmen of the Sikh community. The total Sikh population in the whole of India is 5.7 millions, and that of the Muslims 94¼ millions. The Muslim population of the Punjab is 16¼ millions, that of Sikhs 3¾ millions out of a total population of 28½ millions. It may be pointed out that most of the Sikhs of the Punjab live in the area south-east of a line following the Sutlej River up to Ferozpore, and from there the railway line passing by Amritsar and Gurdaspur to the River Ravi.

The Sikhs are a virile race with a fine spiritual background. They have played a gallant part in many wars, and it is expected that they will show the

characteristic clear thinking and broad-mindedness of brave people. The original spiritual revivalist movement of Guru Nanak has, unfortunately, assumed a political character in later years, and it is one of the tragedies of history that there has been antagonism between the Muslims and the Sikhs, when there is so much in common in their spiritual background and faith. It is for the leaders on both sides to find the compromises and concessions which will enable them to successfully work the scheme. It seems to me a concession to the Sikhs of a fifty-fifty representation with the Muslims of the Punjab would be a good gesture. In any case, if after careful consideration the Sikh community are not satisfied that, with the constitution of the North-West Dominion under the Pakistan scheme, their present influential position in the Punjab and in the whole of India will be much improved, they could form an enclave to include the majority of the Sikh population, and by treaty rights safeguard the interests of the minority living outside the enclave.

14. Lord Linlithgow on the Unity of India[1]

17 *December* 1942

I have spoken often to you in my earlier addresses of the importance of unity in this country. Geographically India, for practical purposes, is one. I would judge it to be as important as it ever was in the past, nay more important, that we should seek to conserve that unity in so far as it may be built up consistenlty with full justice for the rights and the legitimate claims of the minorities, whether those minorities be great or small. That that would be a desirable aim, no one, Gentlemen, can doubt who tests that proposition in terms of foreign policy, of tariff policy, or defence policy, of industrial development. Can India speak with the authority that she is entitled to claim? Can she play her part effectively at international discussions, at discussions with other parts of the Empire, if she is to speak with two voices? Indian unity, subject as I have said to full and sufficient provision for the minorities, accepted as such by those minorities, is of great and real importance if India is to carry the weight which she ought to carry in the counsels of the Empire and of the world.

15. Lord Wavell on the Problem of Indian Unity[2]

17 *February* 1944

On the main problem of Indian unity, the difference between Hindu and Muslim, I can only say this. You cannot alter geography. From the point of view of defence, of relations with the outside world, of many internal and external economic problems, India is a natural unit. What arrangements you decide to make for two great communities and certain other important minorities, as well as the Indian

[1]From speech at the annual meeting of the Associated Chambers of Commerce, Calcutta, *Speeches by the Marquess of Linlithgow*, Vol. 2, Manager, Government of India Press, Simla, 1944, p. 458.

[2]From address to the Council of State and the Legislative Assembly, *Legislative Assembly Debates*, Vol. I, 1944, Manager of Publications, Delhi, 1944, p. 342.

States, to live within that unit and to make the best use of its wealth and opportunities is for Indians to decide. That two communities and even two nations can make arrangements to live together in spite of differing cultures or religions, history provides many examples. The solutions of the problem have varied. England and Scotland, after centuries of strife, arrived at an absolute union; in Canada, the British and French elements reached a Federal agreement which operates satisfactorily; the French, Italian and German elements in Switzerland agreed on a different form of Federation. In all the above there were religious as well as racial differences. In the United States many elements, racial and religious, have been fused into one great nation with a Federal structure, after the bitter experience of a disastrous Civil War. In Ireland the conflicting elements have so far failed to unite, and Ireland has a sort of Pakistan, though the analogy is, of course, only relative. The Soviet Union in Russia seems to have devised a new modification of its already flexible system, which will also no doubt repay careful study. These examples are before India for her constitutionalists to study. It is for her to say which will most nearly fulfil he own needs. But no man can alter geography.

16. Sir Reginald Coupland on the Scope of Central Government's Authority[1]

Is a Federation on the lines of the Act of 1935 practicable? Evidently not. It has been unreservedly repudiated by Mr. Jinnah and the League, because it clashes with both sides of the Moslem case. The Federation projected in 1935 purported to do what all existing Federations do—to combine the principle of local variety and autonomy with the principle of a single nationhood. While, therefore, it allotted a wide field of power to the Provinces, it constructed a Centre which was to embody the sense of national unity in all India and to secure and stimulate its further growth. Like all other Federations, it extended the scope of Central authority well beyond what might be regarded as the irreducible minimum required for any Centre; and, as in all other Federations, the Legislature was so composed as broadly to reflect the character of the Indian people as a whole. It was thus inevitable that, while minority claims were to be recognised by communal representation and 'weightage', the Hindus should possess a majority in the Legisture. Of the representatives of British India in the lower house, forty-two per cent were to be Caste Hindus, and thirty-three per cent Moslems. It was intended that the Executive should be responsible to the Legislature and that its communal composition should be roughly the same.

If the Moslems are to be induced to acquiesce in any sort of Federation, it is clearly necessary to contemplate a very different kind of Centre—different in its powers, its composition and its purpose.

As regards the scope of the Centre's authority, the Hindu unitary doctrine, a natural doctrine though it is for a community which contains three-fifths of the Indian people, must be abandoned. A Centre acceptable to present-day Moslem opinion must be 'minimal'. Those moderate-minded Moslems, who have not echoed Mr. Jinnah's 'No Centre at all', have still insisted that the powers of any

[1] *India: A Restatement*, Oxford University Press, London, 1945, pp. 267-269.

Centre must be confined to the smallest practicable field. Sir Sikander Hyat Khan proposed that it should deal in the first instance with defence, customs[1], currency, and foreign affairs.[2] Sir Muhammad Zafrulla Khan has submitted the same list. It is certainly a minimal list—it cuts to the bone—and Hindu opinion is evidently unwilling, as yet at any rate, to go so far. It has begun to move from its old unitarian standpoint. The Conciliation Committee, for example, made two notable advances: it recommended first that the old dispute about the 'residuary' powers should be settled in favour of the Provinces, following on this point the lead given by the Congress in 1942, and secondly that the Central field should be as small as possible. But it added to the 'subjects' listed by the Moslems, communications, commerce, the settlement of disputes between units of the Union, and 'such other matters of action as may be required for ensuring the safety and tranquillity of India or any part thereof and for the maintenance of the political integrity and economic unity of India or for dealing with any emergencies'. What of those extra subjects? The case for the Central control of communications, especially under modern conditions of transport, is so strong that the Moslems might be disposed to accept it[3]. The case for maintaining the economic unity of India is no less strong. Central control of industrial development, in particular, would greatly facilitate the drafting and execution of those long-term plans mentioned in the preceding chapter. But, as has been pointed out, economics, much more than communications, are a matter of communal controversy; and on this point as on others it must be remembered that Partition is always a possibility—some would say a probability, Mr. Jinnah a certainty—and that it is therefore not a question of imposing an ideal constitution on an India whose unity may be taken for granted, but of devising something by means of which the unity may be preserved. Nor would the assignment, say, of industrial development to Provincial authority necessarily result in economic anarchy. In their own interests the Provincial Governments might be expected to establish permanent Inter-Provincial Commissions to discuss and recommend measures of economic co-operation and co-ordination.

There is a point about a minimal Centre which is apt to be overlooked. It would not only temper Moslem anxiety as to the possibility of Central interference in the Moslem-majority Provinces, it would also confine Central business to a field in which domestic communal division would necessarily be neutralised to some extent by external factors. The foreign policy and the defence of India will have to be co-ordinated with a collective international system of some kind.[4] Undertakings will be made by the Centre about which Hindus and Moslems will not be free to quarrel. To a lesser extent the same will be true of tariffs and currency. India will have to adjust her policy to the requirements of international

[1]'Customs' is used throughout to mean maritime or sea customs only.

[2]*Punjab Legisltive Assembly Debates,* vol. xvi, No 8, p. 355.

[3]Sir Muhammad suggested that the Centre should have power to secure co-ordination in this field for certain purposes.

[4]International obligations would not affect the thorny question of the communal composition of the Indian Army. This would have to be settled, as in the civil services, by a quota agreement.

economic co-operation. These are substantial obstacles to the use of a minimal Centre as an arena of Hindu-Moslem conflict.

More difficult is the problem of the Centre's composition. It cannot be on the model of 1935. The Moslems, it seems certain, would prefer no Centre, whatever the material results might be, to one which constitutes in any shape or degree a Hindu Raj. On this issue moderate Moslem opinion may again be represented by Sir Muhammad Zafrulla Khan. The Moslems claim, he pointed out, to be a separate nation and, as such, entitled, if asked to share in an all-India Centre, to fifty per cent of all its organs, legislative, executive and judicial, 'If, however,' he wrote, 'the shape of the constitution is such as to reassure them that there would be no room for the domination of one community by another, they might be willing to abate, to some extent, their claim to a fifty per cent share'.[1]

17. Rajendra Prasad on Hindu Attitude to the Pakistan Scheme[2]

It is well known that the proposal for partition has aroused strong opposition from all non-Muslims and also from Muslims. It is not for me to say whether the Muslim League or those other groups like the Jamiat-ul-Ulema, the Jamiat-ul-Mominin, the Ahrars, the Nationalist Muslim organizations, the All-India Shia Conference and others represent the majority of Muslims. The fact remains that these latter have expressed their opposition to separation. Whatever the position may be so far as Muslims are concerned, the Hindus and the Sikhs have declared their unequivocal determination to resist partition. This is bound to become more pronounced and more bitter with the persistence with which the proposal for division is pressed. It is difficult to forecast what shape this conflict may take in the future. One thing is certain: partition is not likely to be attained with the goodwill of those most concerned, and this ill will is bound to persist on both sides, even if the proposal succeeds, even after the separation is effected. Distrust which is the basis of the proposal is bound to grow and any hope that after separation things will settle down and the independent states will soon become friendly will have been built on sand. The chances are that bitterness and distrust will make mutual accommodation more difficult and necessitate the maintenance of protection forces on both sides. Economic warfare is not beyond the range of possibility, even if nothing worse happens....

All this is bound to make the position of minorities in the independent states infinitely worse. As a result of this conflict between the majorities in the Muslim and non-Muslim Zones they will have lost what sympathy and goodwill they should have, and their position will have become far worse than what it is today. For the minorities it will veritably be a case of jumping from the frying pan into the fire. The non-Muslim minorities will have the situation forced upon them, if the proposal succeeds. But the Muslim minority will have chosen it, worked for it and extorted it from the non-Muslims and could not blame any one else for it.

[1] *The Times*, 20 March 1945.
[2] *India Divided*, Hind Kitabs, Bombay, 1946, pp. 320-320A.

18. P.J. Griffiths on the British Attitude to the Pakistan Scheme[1]

The idea of Pakistan, involving as it does the splitting up of India into two, three or more separate countries—and with the added possibility that such a movement, once started, might lead to an even more complicated division—is naturally repellent to the British mind. For many decades past, the British Government and British officials in India have laboured incessantly to build up a united India; the chief pride of many of the District Officers has been that they kept the two communities together; and the wisest and the most generous of the British rulers of India have always hoped and dreamed that some day they would be able to boast of having found India in a state of fragmentation and left it a united whole. Those who have been actuated by this high motive now feel that the work of generations is about to be undone—they are naturally horrified at the proposed vivisection of India, and since none of us is free from wishful thinking, many of them harp again and again on the practical difficulties of implementing the Pakistan idea. They talk of defence, they talk of finance, they talk of customs and trade barriers—but to all these arguments the good Moslem Leaguer turns a deaf ear. When communal and racial questions are under consideration, the ultimate factor is often not economic or practical, but psychological and emotional. The demand for Pakistan is largely akin to that cry of 'Islam in danger' which has never yet failed to rouse the Moslem to action. It may well be that when Mr. Jinnah and other great Moslem leaders first lent their support to this proposal, they regarded it largely as a bargaining counter—a means of making certain that most of the power in the Indian Federation would be given to the Provinces, and that the Centre would remain weak. The tide of popular Moslem emotion, however, flowed far beyond that position. For many Moslems to-day the demand for Pakistan is connected with one of their deepest emotions; it has become a cry from the heart, which will not be gainsaid. As Mr. Guy Wint puts it: "Among Moslem youth—at least among the urban classes—there is developing one of those romantic, turbulent movements which have been among the great driving forces of human history." It is a movement which may well destroy irreparably the British conception of a united India.

19. Chimanlal H. Setalvad on the Pakistan Demand[2]

The real parentage of the Pakistan movement can be traced to the Congress who by the wrong way in which they handled the communal question and by their behaviour when they were in power, created the great distrust in the minds of the Muslim community which has driven them to advocate Pakistan. In the beginning, Congress leaders said that there was no communal problem in India and if there was, it could be settled after India got Independence, forgetting that for the very purpose of getting Independence, communal unity was essential. Then there is the trragic perversity which the Congress displayed when they assumed office under the

[1] *The British in India,* Robert Hale Limited, London, 1946, pp. 167-169.
[2] *Recollections & Reflections,* Padma Publications Ltd., Bombay, 1946 (?), pp. 414-415.

the Act of 1935. When the Congress won at the elections in Bombay, they pretended, when forming the ministry, to provide for minority representation. For that purpose, they made a Muslim member of the Assembly sign the Congress pledge on one day and made him minister the next day. This was indeed a travesty of Muslim representation when that Muslim minister had not the confidence of the 22 Muslim League members of the Bombay Legislative Assembly. They dealt unjustly with the Muslim community and made them hostile....

II. THE WAR AND THE DEMAND FOR PAKISTAN

Introductory Note: During the war the British Government, the Congress and the Muslim League looked at the problem of India from three different angles. The British Government was interested in mobilising all the possible resources of India for winning the war. To achieve this objective, they were willing to sympathetically consider the demands of the two major political parties, the Congress and the Muslim League. The Congress wanted India to become independent at the earliest possible date, and as the majority party, inherit power from Britian. The Muslim League desired from the British Government and the Congress a recognition of its stand that the Indian Muslims were a separate nation and that at the end of the war a separate State will be created for them in the north-western and eastern zones of India. If the British Government would accept this stand, the League was willing to render every possible help in the prosecution of the war.

Since many Congress leaders in the early years of the war had the feeling that Britain and her allies were unlikely to defeat the Axis Powers, they thought there was no point in helping Britain in the war effort. This created a very difficult situation for the British Government. Naturally, they tried to win the maximum support of the non-Congress elements in India. They showed particular interest in the Muslims because even though the British Government did not accept the League demand, the League did not create any difficulties in the war effort. As a matter of fact, compared with their population, the Muslims made a very great contribution to the army by joining its combatant ranks. In this situation, it was not unexpected that the draft declaration in which the war-time British Coalition Cabinet defined its aims about the future of India contained a provision that any province which did not accept the new constitution of India to be framed by an Indian Constituent Assembly could have a separate constitution of its own, and that the British Government would accord it the same status as to the Indian Union.

However, the draft declaration came at a time when for the Allies the war situation was very critical. The Congress decided to exploit that situation and demanded immediate independence. To achieve this end, the Congress asked Britain to quit India immediately.

The British Government did not agree to this demand and soon after the war situation began to improve for the Allies. With the improvement in the war situation, British leaders began to emphasise the unity of India. Neverthless, the British Government stood by its declaration that in India no political or constitutional steps would be taken which were unacceptable to the Muslims. This was demonstrated when proposals for the reconstitution of the Viceroy's Executive Council were considered at Simla in the summer of 1945.

1. M.A. Jinnah's Tentative Proposals for Intensifying War Efforts[1]

1 *July* 1940

That no pronouncement or statement should be made by His Majesty's Government which would, in any way, militate against the basic and fundamental principles laid down by the Lahore resolution for division of India and creating Muslim States in the North-west and Eastern zones; and it may be stated that that ideal now has become the universal faith of Muslim India.

That His Majesty's Government must give a definite and categorical assurance to the Mussalmans of India that no interim or final scheme of constitution would be adopted by the British Government without the previous approval of Muslim India.

In view of the rapid developments in Europe and the grave danger that is facing India, it is fully realized that everything should be done that is possible to intensify war efforts and mobilise all the resources of India for her defence for the purpose of maintaining internal security, peace and tranquillity, and to ward off external aggression. But this can only be achieved provided the British Government are ready and willing to associate the Muslim leadership as equal partners in the Government both at the Centre and in all the provinces. In other words, Muslim India leadership must be fully trusted as equals and have equal share in the authority and control of the Governments, Central and Provincial.

Provisionally and during the period of the war, the following steps should be taken to comply with the formula, namely, co-operation with the Government with equal share in the authority of the Government:

(A) That the Executive Council of the Viceroy should be enlarged within the framework of the present contitution and existing law, the additional number to be settled by further discussions, but it being understood that the Muslim representation must be equal to that of the Hindus if the Congress comes in, otherwise they should have the majority of the additional members, as it is obvious that the main burden and the responsibility will be borne by the Mussalmans in that case.

[1]Francis Low (Ed.), *The Indian Year-Book* 1941-42, Bennett, Coleman & Co., Ltd., Bombay, p. 916.

(B) In the provinces where Section 93 has to operate, non-official Advisers should be appointed, the number to be fixed after further discussion, and the majority of the non-official Advisers should be the representatives of the Mussalmans; and where the provinces can be run by a combination of parties or 'coalitions', naturally it would be for the parties concerned to adjust matters by agreement among themselves.

(C) There should be a War Council consisting of not less than fifteen members, including the President, to be presided over by His Excellency the Viceroy. I don't like the expression 'War Consultative Committee'. This Council should regularly meet to deal with, and review, the general situation as it may develop from time to time, and advise the Government with regard to matters in connection with the prosecution of the war generally, and in particular, the fullest development of the defence possible, and of finance, and to make a thorough economic and industrial drive. In this body it will not be difficult to secure the representation and full co-operation of the Indian Princes, and as far as I can judge, they would have no difficulty in joining it. It is through this body that the association of the Princes can be secured. Here again, the representation of Muslim India must be equal to that of the Hindus if the Congress comes in, otherwise they should have the majority.

Finally, the representatives of the Mussalmans on the proposed War Council and the Executive Council of the Governor-General and the additional non-official Advisers of the Governors, should be chosen by the Muslim League.

2. Reply from Lord Linlithgow to M. A. Jinnah[1]

6 *July* 1940

As regards the expansion of my Executive Council, this would, as you rightly observe in your memorandum, be within the existing constitutional scheme. In other words, any Council so expanded would co-operate as a whole and as a single Government of India. It is not a case of striking a balance between the different interests or of preserving the proportions between the important parties. As you yourself indicated in the course of our conversation, there are parties other than either Congress or the Muslim League who may fairly claim to be considered for inclusion, and there is a very definite limit of numbers to any possible expansion.

At the same time I readily accept the importance, in the event of any expansion, of securing adequate representation of Muslim interests, and that is a point which I would bear in mind.

There is, however, as you will see from my explanation, no question of responsibility falling in greater or less degree on any particular section. Responsibility will be that of the Governor-General-in-Council as a whole. Again, it will be clear that under the existing law and practice it must remain with the Secretary of State, in consultation with the Governor-General, to decide upon such names as we may submit to His Majesty the King for inclusion in the Governor-General's

[1]Ibidc., pp. 916-917.

Executive Council, and such persons cannot be the nominees of political parties, however important; though it may, of course, be assumed that both the Secretary of State and the Governor-General would, in all cases, do their utmost to select persons from the various sections of the community.

I need not remind you that under law the whole responsibility for government in Section 93 provinces vests exclusively in the Governor, although a Governor can, of course, take advantage of the assistance of any Advisers he may appoint. Whether and, if so, at what point and in what strength, non-official Advisers from political parties should be appointed in provinces under Section 93 administration, in the event of an expansion of the Governor-General's Council would clearly call for consideration in the light of circumstances of each province. You will, I think, agree with me also that the importance of the community from which Advisers are drawn in a particular province has a direct bearing.

Your idea for a War Council is, in my view, well worth while considering, though details would have to be worked out. Here again there are, of course, many parties to be considered other than the Muslim League or the Congress.

It would be constitutionally impossible for the choice of Muslim gentlemen to be appointed to any expanded Executive Council or as non-official Advisers to rest with the Muslim League. But in the contingency envisaged you need not fear that any suggestions you may put forward would not receive full consideration.

3. Resolution of the Congress Working Committe on the Indian Deadlock[1]

7 *July* 1940

The Working Committee have noted the serious happenings which have called forth fresh appeals to bring about a solution of the deadlock in the Indian political situation; and in view of the desirability of clarifying the Congress position, they have earnestly examined the whole situation one again in the light of the latest developments in world affairs.

The Working Committee are more than ever convinced that the acknowledgement by Great Britain of the complete independence of India is the only solution of the problems facing both India and Britain and are, therefore, of opinion that such an unequivocal declaration should be immediately made and that, as an immediate step in giving effect to it, a provisional National Government should be constituted at the Centre, which, though formed as a transitory measure, should be such as to command the confidence of all the elected elements in the Central Legislature, and secure the closest co-operation of responsible Governments in the provinces.

The Working Committee are of opinion that unless the aforesaid declaration is made, and a National Government accordingly formed at the Centre without delay, all efforts at organizing the material and moral resources of the country for defence cannot in any sense be voluntary or as from a free country, and will, therefore, be ineffective. The Working Committee declare that if these measures

[1]Ibid, p. 889.

are adopted, it will enable the Congress to throw in its full weight in the efforts for the effective organisation of the defence of the country.

4. Lord Linlithgow on the Future Constitution of India[1]

8 *August* 1940

India's anxiety at this moment of critical importance in the world struggle against tyranny and aggresssion to contribute to the full to the common cause and to the triumph of our common ideals is manifest. She has already made a mighty contribution. She is anxious to make a greater contribution still. His Majesty's Government are deeply concerned that that unity of national purpose in India which would enable her to do so should be achieved at as early a moment as possible. They feel that some further statement of their intentions may help to promote that unity. In that hope they have authorised me to make the present statement.

Last October His Majesty's Government again made it clear that Dominion Status was their objective for India. They added that they were ready to authorise the expansion of the Governor-General's Council to include a certain number of representatives of political parties, and they proposed the establishment of a Consultative Committee. In order to facilitate harmonious co-operation it was obvious that some measure of agreement in the Provinces between the major parties was a desirable pre-requisite to their joint collaboration at the Centre. Such agreement was unfortunately not reached, and in the circumstances no progress was then possible.

During the earlier part of this year I continued my efforts to bring political parties together. In these last few weeks I again entered into conversations with prominent political personages in British India and the Chancellor of the Chamber of Princes, the results of which have been reported to His Majesty's Government. His Majesty's Government have seen also the resolutions passed by the Congress Working Committee, the Muslim League and the Hindu Mahasabha.

It is clear that the earlier differences which had prevented the achievement of national unity remain unbridged. Deeply as His Majesty's Government regret this, they do not feel that they should any longer, because of these differences, postpone the expansion of the Governor-General's Council, and the establishment of a body which will more closely associate Indian public opinion with the conduct of the war by the Central Government. They have authorised me accordingly to invite a certain number of representative Indians to join my Executive Council. They have authorised me further to establish a War Advisory Council, which would meet at regular intervals, and which would contain representatives of the Indian States, and of other interests in the national life of India as a whole.

The conversations which have taken place, and the resolutions of the bodies which I have just mentioned, make it clear however that there is still in certain quarters doubt as to the intentions of His Majesty's Government for the constitutional

[1] *Speeches by the Marquess of Linlithgow*, Vol. 2, Government of India Press, Simla, 1944, pp. 238-242.

future of India, and that there is doubt, too, as to whether the position of minorities, whether political or religious, is sufficiently safeguarded in relation to any constitutional change by the assurance already given. There are two main points that have emerged. On those two points His Majesty's Government now desire me to make their position clear.

The first is as to the position of minorities in relation to any future constitutional scheme. It has already been made clear that my declaration of last October does not exclude examination of any part either of the Act of 1935 or of the policy and plans on which it is based. His Majesty's Government's concern that full weight should be given to the views of the minorities in any revision has also been brought out. That remains the position of His Majesty's Government. It goes without saying that they could not contemplate the transfer of their present responsibilities for the peace and welfare of India to any system of Government whose authority is directly denied by large and powerful elements in India's national life. Nor could they be parties to the coercion of such elements into submission to such a government.

The second point of general interest is the machinery for building within the British Commonwealth of Nations a new constitutional scheme when the time comes. There has been very strong insistence that the framing of that scheme should be primarily the responsibility of Indians themselves, and should originate from Indian conceptions of the social, economic and political structure of Indian life. His Majesty's Government are in sympathy with that desire, and wish to see it given the fullest practical expression subject to the due fulfilment of the obligations which Great Britain's long connection with India has imposed upon her and for which His Majesty's Government cannot divest themselves of responsibility. It is clear that a moment when the Commonwealth is engaged in a struggle for existence is not one in which fundamental constitutional issues can be decisively resolved. But His Majesty's Government authorise me to declare that they will most readily assent to the setting up after the conclusion of the war with the least possible delay of a body representative of the principal elements in India's national life in order to devise the framework of the new constitution and they will lend every aid in their power to hasten decisions on all relevant matters to the utmost degree. Meanwhile they will welcome and promote in any way possible every sincere and practical step that may be taken by representative Indians themselves to reach a basis of friendly agreement, firstly, on the form which the post-war representative body should take, and the methods by which it should arrive at its conclusions, and secondly, upon the principles and outlines of the constitution itself. They trust, however, that for the period of the war (with the Central Government reconstituted and strengthened in the manner I have described and with the help of the War Advisory Council) all parties, communities and interests will combine and co-operate in making a notable Indian contribution to the victory of the world cause which is at stake. Moreover they hope that in this process new bonds of union and understanding will emerge and thus pave the way towards the attainment by India of that free and equal partnership in the British Commonwealth which remains the proclaimed and accepted goal of the Imperial Crown

and of the British Parliament.

5. Letter from Lord Linlithgow to M. A. Jinnah[1]
14 *August* 1940

1. I think it may be convenient for you to have in writing the information on the points below which I gave you in our conversation today. I informed you in that conversation, first, that my statement clearly safeguarded the Muslim position in relation to future constitutional development; secondly, that it equally provided a basis on which the Muslims could, if they so desired, co-operate at the Centre. As I explained to you in our earlier conversation, I cannot yet take up the issue of the provinces, but I do not contemplate non-official Advisers, at any rate at this stage.

2. You asked me the probable strength of the expanded Executive Council. I cannot, for reasons which you will appreciate, yet indicate a precise figure but the total strength of the Council will be likely to be in the neighbourhood of eleven. If, as I trust, the Muslim League are prepared to accept my invitation, I would like you to let me have a panel of names, say, four, with a view to my selecting two from it for appointment to my Council. As I have already made clear to you, Sir Zafrulla Khan, if he remains in my Council, will not count against this figure. It is clearly impossible, until the discussions on which I am at present engaged are complete, to indicate precisely what would be the parties represented in the expanded Council.

3. The strength and composition of the War Advisory Council can clearly only be fixed after the expansion of the Executive Council is complete. Here, too, I should be grateful if you would be good enough to let me have a panel of names for my consideration on the assumption that there would probably be, say, five Muslim League representatives out of a total of something in the neighbourhood of twenty.

6. Resolution of the Muslim League Working Committee on Lord Linlithgow's Offer[2]
2 *September* 1940

The [Working] Committee....are glad that His Majesty's Government, provisionally and during the prosecution of the war, have decided upon the expansion of the Executive Council of the Governor-General and the establishment of a War Advisory Council on an all-India basis, though they regret that His Majesty's Government have declared that they at this stage do not contemplate non-official Advisers in the provinces which are at present administered by the Governors under Section 93 of the Government of India Act. The Committee, however, find that the

[1]Nripendra Nath Mitra (Ed.), *The Indian Annual Register*, July-December 1940, The Annual Register Office, Calcutta, pp. 256-257.

[2]Resolutions of the All India Muslim League from April 1940 to April 1941, published by (Nawabzada) Liaquat Ali Khan, M.A. (Oxon), M.L.A. (Central), Barrister-at-Law, Honorary Secretary, All India Muslim League, Delhi, pp. 13-15.

specific offer now made as embodied in the letter of His Excellency the Viceroy, dated the 14th of August 1940, purporting to give effect and implement the principle of co-operation with authority in the Government as partners is most unsatisfactory and does not meet the requirements nor the spirit indicated in the resolution of this Committee of the 16th of June, 1940 which was communicated by the President to His Excellency the Viceroy by his letter of the 17th of June 1940, nor does it meet the memorandum that was submitted to His Excellency by the President on the 1st of July 1940.

In these circumstances the Committee find it very difficult to deal with this offer for the following reasons:

1. Neither the President nor the Committee were consulted as to the number of the proposed increase of the additional members of the Executive Council of the Governor General.

2. The Committee are not yet aware of the manner in which the entire Excutive Council will be reconstituted.

3. The Committee have no information as to which are the other parties with whom the Muslim League will be called upon to work.

4. The Committee understand that the President has not been informed as to what portfolios will be assigned to every one of these additional members. The Committee are merely asked without any further knowledge or information, except that the total number of members of the expanded Executive Council will be in the neighbourhood of 11, to send a panel of 4 out of which 2 will be selected for appointment as members of the Governor-General's Executive Council.

5. The Committee have considered the system of panel suggested and they are of the opinion that it is open to many objections, is not desirable and does not commend itself to them.

6. As regards the proposed War Advisory Council the Committee do not know its constitution, composition and functions, beyond the information that is will probably consist of about 20 members and the Committee are asked to submit a panel out of which 5 will be nominated by His Excellency the Viceroy.

In these circumstances the Committee consider the offer unsatisfactory and request His Excellency the Viceroy to reconsider the matter and hereby authorise the President to seek further information and clarification.

7. Statement by Lord Linlithgow on the Expansion of his Executive Council[1]

20 *November* 1940

Outside India these proposals [contained in the statement of 8 August 1940], both in their immediate and in their larger ultimate aspects, have been welcomed as liberal in conception, and as representing the best practical solution of existing differences. In India itself, too, they have met with the support of a large body of opinion: in their more immediate aspect, namely the expansion of my Executive Council, however, I have not secured the response that was hoped for

[1]From address to the Council of State and the Legislative Assembly, *Legislative Assembly Debates*, Vol. XXII, Part V, Manager of Publications, Delhi, 1940,pp. 847-848.

from political leaders in India. The reasons for which they have been unable to accept the proposals of His Majesty's Government are conflicting, and, indeed, in some ways mutually destructive. However that may be, the effect is that the major political parties concerned are not in present circumstances prepared to take advantage of the opportunity offered to them.

His Majesty's Government note this conclusion with sincere regret. The proposals in question would place real power and real responsibility in Indian hands. Their acceptance would afford the most hopeful contribution which Indian political leaders could make at this critical time towards the preservation of Indian unity, and towards an agreed constitutional settlement for the future. His Majesty's Government do not propose to withdraw them, and are still prepared to give effect to them as soon as they are convinced that a sufficient degree of representative support is forthcoming. But as that degree of support has evidently not yet manifested itself, His Majesty's Government have decided that I should not be justified in proceeding with the expansion of my Executive Council, or the establishment of the War Advisory Council, at the present moment.

8. A. K. Fazl-ul-Haq on the Constitutional Deadlock[1]

There has been considerable misunderstanding of my recent suggestions to the Viceroy 'apropos' the present deadlock. What I suggested was a round table conference at which Lord Linlithgow, in his personal capacity and not in the capacity of the Viceroy, would bring together the leaders of various elements in India's national life and leave them to thrash the problem out and either (1) to come to an agreement on the whole question of India's future constitution, or alternatively to agree upon some form of compromise during the duration of the war, or (2) to demonstrate to the world definitely for the last time that Hindus and Muslims are incapable of arriving at a mutual settlement.

I took—still take—an optimistic view and I believe that as a result of such a conference national governments—in the sense that representatives of important elements in India's complex national life would be equally represented on them—might be formed at the Centre and in the provinces, enabling India to pull her full weight in the prosecution of the war, particularly in her own defence. My main object was to persuade Lord Linlithgow to make the final attempt to end this impossible situation in view of the danger coming nearer and nearer to India.

As I have already said, I did not believe, nor am I even now convinced in spite of criticisms to the contrary, that my move in anyway went counter to the stand taken by the Muslim League, in the Working Committee of which body I hold office. In any round table conference that may be held the League will naturally represent the Muslim nation and no decision could be acceptable to Muslims unless the League ratified it. I am no way in disagreement with the League's policy or ideal and I am anxious to make known, to the public not my disagreement but my agreement with the policy of our national organisation. Those who misinterpret

[1] *The Civil & Military Gazette*, Lahore, 23 May 1941.

my move and invent differences between the League and myself do a disservice to the cause at least of temporary understanding which I am trying to bring about....

9. Resolution of the Muslim League Working Committee on Membership of the National Defence Council[1]

25 *August* 1941

After full discussion and consideration, the Working Committee is unanimously of the opinion that the Hon'ble Sir Sikandar Hayat Khan, the Hon'ble Mr. Fazlul Haq and the Hon'ble Sir Mohamed Saadullah should resign from the National Defence Council. In view of all the facts placed before the Committee by the President, including the message of His Excellency the Viceroy sent to him through the Governor of Bombay on the 21st of July 1941, the Hon'ble Sir Sikandar Hayat Khan, the Committee are glad to note, has decided to tender his resiganation from the National Defence Council, and the Committee have been informed telephonically that the Hon'ble Sir Mohamed Saadullah has also decided to resign from the National Defence Council. The question, therefore of disciplinary action against Sir Sikandar Hayat Khan and Sir Mohamed Saadullah does not arise.

The Hon'ble Mr. Fazlul Haq has communicated that he would like to have time to consider the matter. If he also resigns from the National Defence Council within ten days and informs the President accordingly, no further action will be necessary. Failing the receipt of a satisfactory reply from Mr. Fazlul Haq by the President within the time limit aforesaid, the Committee hereby fully authorises the President to take such action as he may deem proper and necessary.

10. Resolution of the Muslim League Working Committee on the War Situation[2]

27 *December* 1941

In view of the fact that the entry of Japan in the war on the side of the Axis Powers has brought the danger much closer to India and has forced into greater prominence the question of the defence of India, the Working Committee consider it necessary to reiterate that the Muslim League from the very beginning has expressed their willingness to share the responsibility of the defence of the country as is evident from the stand taken by the President of the All India Muslim

[1] *The Civil & Military Gazette*, Lahore, 26 August 1941.

Sir Sikandar Hayat Khan in his statemtnt, issued on 26 August 1941, explained that he had agreed to serve on the National Defence Council in his official capacity (as Premier of the Punjab). "I was surprised, however, to find that in the letter dated July 20, 1941, from the Governor of Bombay to Mr. Jinnah, communicating to him a message from His Excellency the Viceroy, an entirely different complexion had been put on the basis of appointment of the Muslim Premiers on this Council and, *inter alia*, it was stated that we were being appointed to the Defence Council as representatives of the great Muslim community. It is immaterial how this discrepancy crept in. It is obvious, however, that on this basis I could not, in fairness to my province or the Muslim League, continue to serve on this Council." *The Civil & Miliatry Gazette*, Lahore, 27 August 1941.

[2] Resolutions of the All India Muslim League from April 1941 to April 1942, published by (Nawabzada) Liaquat Ali Khan, M.A. (Oxon), M.L.A. (Central), Barrister-at-Law, Honorary Secretary, All India Muslim League, Delhi, pp. 36-39.

League as far back as November 1939 when he accepted the offer of the Viceroy that the Congress and the League should come to an adjustment in the provincial field to ensure harmonious working of the provincial government, consequent on which the representatives of the Congress and the League will be willing to participate in the Central Government as members of the Executive Council. This proposal of the Viceroy was summarily rejected by the Congress on the ground that their demand embodied in the resolution of the All-India Congress Committee dated the 10th of October, 1939, for a declaration of India's independence and the right of Indians to frame their own constitution through a Constituent Assembly elected on the basis of adult franchise was not met by the British Government.

Further the Muslim League on the 17th of June 1940 passed the following resolution, which clearly indicates that the League has all along adhered to the policy declared by its President in November 1939:

"The Working Committee view with alarm the growing menace of Nazi aggression which has been most ruthlessly depriving one nation after another of its liberty and freedom and regards the unprovoked attack by the Italian Government against the Allies as most unwarranted and immoral at a time when France was engaged in a brave struggle against very heavy odds.

"The grave world situation demands serious efforts on the part of every Indian for the defence of his country and the Working Committee call upon the Government of India to prepare the country in an organised manner to meet every eventuality. The Committee are constrained to state that the proposals for the defence of India indicated in the statements of Their Excellencies the Viceroy and the Commander-in-Chief as well as the statements of some of the provincial Governors are wholly inadequate to meet the urgent requirements of the situation. The Committee, therefore, authorise its President to enter into communication with His Excellency the Viceroy with a view to explore the possibility of devising prompt and effective measures to mobilize the country's resources for the purpose of intensifying war efforts and the defence of India.

"The Committee are of the view that unless a satisfactory basis for close co-operation is agreed upon on an all India basis, and not province-wise, between the Government and the Muslim League, and such other parties as are willing to undertake the responsibility for the defence of the country in the face of the imminent danger, the real purpose and objective will not be served and achieved."

The Working Committee once more declare that they are ready and willing as before to shoulder the burden of the defence of the country, singly or in coopoeration with other parties on the basis that real share and responsibility is given in the authority of the Government at the Centre and the provinces within the framework of the present constitution, but without prejudice to the major political issues involved in the framing of the future constitution.

11. R. Coupland on the Congress-League Relations[1]

....And that a Congress Raj was no figment of Moslem imagination was

[1]*Indian Politics* 1936-42 (Report on the Constitutional Problem in India, Part II), Oxford University Press, London, 1943, pp. 242-243.

shown, in the course of these anxious days, by Mr. Gandhi himself. It would seem as if the gravity of the crisis had impelled him to speak out all his mind. He was frank in his pacifism, frank in his aversion from co-operation in war government, and equally frank in his exposition of the Congress' totalitarian creed. On June 15 [1940] he published an article in *Harijan,* entitled 'Two Parties', in which he repudiated the idea of an inter-party government.

"Public and private appeals are being made to me to call all parties together and arrive at a common agreement, and then, they say, we shall get what we want from Great Britain. These good friends forget one central fact. The Congress, which professes to speak for India and wants unadulterated Independence, cannot strike a common measure of agreeent with those who do not....

"The British Government would not ask for a common agreement, if they recognised any one party to be strong enough to take delivery. The Congress, it must be admitted, has not that strength to-day. It has come to its present position in the face of opposition. If it does not weaken and has enough patience, it will develop sufficient strength to take delivery. It is an illusion created by ourselves that we must come to an agreement with all parties before we can make any progress.

"There is only one democratic elected political organisation, *i.e.* the Congress. All the others are self-appointed or elected on a sectional basis. The Muslim League is an organisation which, like the Congress, is popularly elected. But it is frankly communal and wants to divide India into two parts....

"Thus for the present purpose there are only two parties—the Congress and those who side with the Congress, and the parties who do not. Between the two there is no meeting ground without the one or the other surrendering its purpose....An agreement independently of evolving a common demand the Congress must seek and has always sought....It has to woo all parties, disarm suspicion and create trust in its *bona fides.*"

This candid declaration of totalitarianism, this anticipation of the Congress alone 'taking delivery' from the British Government, was an open challenge to the League, and Mr. Jinnah promptly took it up. He met the logic of democracy with the logic of nationalism. As a community among other communities Indian Moslems numbered less than one quarter of the population; but as one of the two nations they were entitled to equal treatment. So, in his conversations with the Viceroy, Mr. Jinnah laid down two conditions for the League's participation in government. First, the British Government must give a categorical assurance that it would adopt no constitution, whether for the war period only or in a final form, 'without the previous approval of Muslim India'. Secondly, in any reorganisation for the purpose of mobilising India's maximum war effort, 'Muslim India's leadership must have an equal share in the authority and control of the Governments, Central and Provincial'. If the Executive Council is enlarged, the number of Moslem members must be equal to that of the Hindu members if the Congress comes in. If it does not, the Moslems must be in a majority. The same calculations would apply to an advisory war council of any kind. In other words the two-nation principle was to be fully applied in terms of constitutional arithmetic.

12. Communal Break-up of the Indian Army as on 1 January 1942[1]
Combatants—Viceroy's Commisioned Officers and Indian Other Ranks

Community	*Total Strength*	*Percentage*
Hindus	253,418	39
Muslims	242,467	37
Sikhs	72,059	11
Gurkhas	59,489	9
Christians and Others	24,222	4
	651,655	100

13. Lord Linlithgow's Appeal for National War Front[2]
10 *March* 1942

I send this message to all men and women who live in this land, whatever their politics, their religion or their race. You will be invited, during the next few weeks, to enrol yourself in the National War Front. The land we live in is threatened with danger. This is a call to action for every one of us. Close the ranks, and stand shoulder to shoulder against an agressor, whose conduct, in the peaceful countries which he has outraged, brands him as barbarous and pitiless. The soldiers of India, in many parts of the world, have fought and are fighting gloriously for the safety of their motherland, for the preservation of her ancient inheritance, for the bringing to pass of her hopes for the future. Today the battle front is of great depth and each one of us can be a soldier too. Stand steady; encourage the brave; strengthen the faint hearted; rebuke the babbler and root out the hidden traitor. Make good the defence of the country to-day; go forward to victory tomorrow; for without victory there is no hope for the survival of free institutions, culture, or kindness, in the world. We are members of a worthy company, China, Russia, America, Britain and a score of others; let each one of us in India be worthy of our own country and of our comrades, for thus shall we make our victory swift and sure. I confide in your courage.

14. His Majesty's Government's Draft Declaration on the Future of India[3]

His Majesty's Government, having considered the anxieties expressed in this country and in India as to the fulfilment of the promises made in regard to the future of India, have decided to lay down in precise and clear terms the steps

[1]These figures have been obtained from the Ministry of Defence, Governmet of Pakistan. Ed.
[2]*Speeches by the Marquess of Linlithgow*, Vol. 2, Manager, Government of India Press, Simla, 1944, pp. 400-401.
[3]*The Civil & Military Gazette*, Lahore, 30 March 1942.

which they propose shall be taken for the earliest possible realisation of self-government in India.

The object is the creation of a new Indian Union which shall constitute a Dominion, associated with the United Kingdom and the other Dominions, by a common allegiance to the Crown, but equal to them in every respect, in no way subordinate in any respect of its domestic or external affairs.

His Majesty's Government, therefore, make the following declaration:

(*a*) Immediately upon the cessation of hostilities, steps shall be taken to set up in India, in the manner described hereafter, an elected body charged with the task of framing a new Constitution for India.

(*b*) Provision shall be made, as set out below, for the participation of the Indian States in the constitution-making body.

(*c*) His Majesty's Government undertake to accept and implement forthwith the Constitution so framed subject only to:

(*i*) The right of any province of British India that is not prepared to accept the new constitution to retain its present constitutional position, provision being made for its subsequent accession if it so decides.

With such non-acceding provinces, should they so desire, His Majesty's Government will be prepared to agree upon a new Constitution, giving them the same full status as the Indian Union and arrived at by a procedure analogous to that here laid down.

(*ii*) The signing of a treaty which shall be negotiated between His Majesty's Government and the constitution-making body. This treaty will cover all necessary matters arising out of the complete transfer of responsibility from British to Indian hands; it will make provision, in accordance with the undertakings given by His Majesty's Government, for the protection of racial and religious minorities; but will not impose any restriction on the power of the Indian Union to decide in future its relationship to other Member States of the British Commonwealth.

Whether or not an Indian State elects to adhere to the constitution, it will be necessary to negotiate a revision of its Treaty arrangements so far as this may be required in the new stituation.

(*d*) The constitution-making body shall be composed as follows, unless the leaders of Indian opinion in the principal communities agree upon some other form before the end of the hostilities:

Immediately upon the result being known of the provincial elections which will be necessary at the end of hostilities, the entire membership of the Lower Houses of the Provincial Legislatures shall, as single electoral college, proceed to the election of the Constitution-making body by the system of proportional representation. This new body shall be in number about 1/10th of the number of the electoral college. Indian States shall be invited to appoint represen-

tatives in the same proportion to their total population as in the case of representatives of British India as a whole and with the same powers as the British Indian members.

(*e*) During the critical period which now faces India and until the new constitution can be framed, His Majesty's Government must inevitably bear the responsibility for and retain the control and direction of the defence of India as part of their World War effort, but the task of organising to the full the military, moral and material resources of India must be the responsibility of the Government of India with the co-operation of the people of India.

His Majesty's Government desire and invite the immediate and effective participation of the leaders of the principal sections of the Indian people in the counsels of their country, of the Commonwealth and of the United Nations. Thus they will be enabled to give their active and constructive help in the discharge of a task which is vital and essential for the future freedom of India.

15. Sardar Vallabhbhai Patel on the Draft Declaration[1]

Then came Sir Stafford Cripps as the representative of the British Government to India. He was a friend of many leaders of the Congress. Those leaders and many others therefore felt that in sending a person of such progressive ideas the British Government was displaying its intentions for an honest settlement with India. That was why we decided to give the most careful consideration to the proposals that Cripps had brought. Maulana Saheb as the President of the Congress was given full authority to conduct the negotiations and consult the Working Committee, if he considered it necessary.... Gandhiji too was invited to help in the negotiations. Although he considered that this was none of his business, that he was wholly opposed to a violent war and that, in any case, he was outside the Congress, nevertheless, on Cripps' insistence, Gandhiji went to see him. But the proposals greatly disappointed him.... He could have understood it if somebody as brazen as Amery had brought these proposals but he could not understand how some one who was a friend of India and who held progressive views could bring them. How did he consider it proper on his part to try to persuade India to accept such an indequate and a wholly unsatisfactory scheme?

After Gandhiji left, the Congress spent about 15 days in undertaking the fullest and most detailed examination of the proposals but it led to nothing, for even the few initially acceptable proposals that had been made by Sir Stafford Cripps were withdrawn by him in the end.... No more mischievous scheme had been conceived up-to-date. It was designed to keep the British authority firmly in India after the war. That scheme was, in fact, responsible for the decision of the Congress to ask the British to quit India.... If India was to effectively resist external aggression, her people should have the fullest freedom and independence.

[1]From speeches in Gujarat, Narhari D. Parikh, *Sardar Vallabhbhai Patel*, Vol. II, Navajivan Publishing House, Ahmedabad, December, 1956, pp. 461-462.

The British were not fighting for the protection of India but for maintaining their own authority permanently. If they had been fighting for Indian defence, they would have had no hesitation in accepting the Congress demands.

16. Resolution of the Muslim League Working Committee on the Draft Declaration[1]

11 *April* 1942

The Working Committee of the All India Muslim League have given their most earnest and careful consideration to the announcement made by Mr. Churchill, the British Prime Minister, in the House of Commons on the 11th of March 1942 and the Draft Declaration of the War Cabinet of His Majesty's Government regarding the future of India and also the interim proposals, during the critical period which now faces India, for the immediate participation of the leaders of the principal sections of the Indian people in the counsels of their country.

The Committee appreciate that the British Prime Minister, in his pronouncement, made it clear that the Draft Declaration embodied only the proposals of His Majesty's Government and not their decision, and that they are subject to agreement between the main elements in India, thus maintaining the validity of the Declaration of the 8th of August 1940, which had promised to the Musalmans that neither the machinery for the framing of the constitution should be set up, nor the constitution itself should be enforced without the approval and consent of Muslim India.

The Committee, while expressing their gratification that the possibility of Pakistan is recognised by implication by providing for the establishment of two or more independent Unions in India, regret that the proposals of His Majesty's Government, embodying the fundamentals, are not open to any modification and therefore no alternative proposals are invited. In view of the rigidity of the attitude of His Majesty's Government with regard to the fundamentals not being open to any modification, the Committee have no alternative but to say that the proposals in their present form are unacceptable to them for reasons given below:

(1) The Musalmans, after 25 years of genuine efforts for the reconciliation of the two major communities and the bitter experience of the failure of such efforts, are convinced that it is neither just nor possible, in the interest of peace and happiness of the two peoples, to compel them to constitute one Indian Union, comcomposed of the two principal nations—Hindus and Muslims which—appears to be the main object of His Majesty's Government, as adumbrated in the preamble of the Draft Declaration, the creation of more than one Union being relegated only to the realm of remote possibility and is purely illusory.

(2) In the Draft Declaration a constitution making body has been proposed with the primary object of creating one Indian Union. So far as the Muslim League

[1]Resolutions of the All India Muslim League from April 1942 to May 1943, published by (Nawabzada) Liaquat Ali Khan, M.A. (Oxon), M.L.A. (Central), Barrister-at-Law, Honorary Secretary, All India Muslim League, Delhi, pp. 1-6.

is concerned, it has finally decided that the only solution of India's constitutional problem is the partition of India into independent zones, and it will, therefore, be unfair to the Musalmans to compel them to enter such a constitution-making body, whose main object is the creation of a new Indian Union. With conditions as they are, it will be not only futile but on the contrary may exacerbate bitterness and animosity amongst the various elements in the country.

Besides, the machinery which has been proposed for the creation of the constitution-making body, namely, that it will consist of members elected by the newly elected Lower Houses of the eleven provinces, upon the cessation of hostilities, as a single Electroral College by the system of proportional representation, is a fundamental departure from the right of the Musalmans hitherto enjoyed by them, to elect their representatives by means of separate electorates, which is the only sure way in which true representatives of Musalmans can be chosen.

The constitution-making body will take decisions by a bare majority on all questions of most vital and paramount character involved in the framing of the constitution, which is a departure from the fundamental principles of justice and contrary to constitutional practice so for followed in the various countries and Dominions; and the Musalmans, by agreeing to this will, instead of exercising their right and judgment as a constituent factor, be at the entire mercy of the constitution-making body, in which they will be in a minority of about twentyfive per cent.

(3) The right of non-accession to the Union, as contemplated in the Draft Declaration, has been conceded, presumably, in response to the insistent demands by the Musalmans for the partition of India, but the method and procedure laid down are such as to negative the professed object; for, in the Draft proposals, the right of non-accession has been given to the existing provinces, which have been formed from time to time for administrative convenience and on no logical basis.

The Musalmans cannot be satisfied by such a Declaration on a vital question affecting their future destiny, and demand a clear and precise pronouncement on the subject. Any attempt to solve the future problem of India by the process of evading the real issue is to court disaster.

In the Draft proposals no procedure has been laid down as to how the verdict of the province is to be obtained in favour of or against accession to the one Union; but in the letter dated the 2nd of April from the Secretary of Sir Stafford Cripps, addressed to the President of the All India Muslim League, it is stated that "a province should reach the decision whether or not to stand out of the Union by a vote in the Legislative Assembly on a resolution to stand in. If the majority for accession to the Union is less than sixty per cent., the minority will have the right to demand a plebiscite of the adult male population." In this connection it must be emphasised that in the provinces where the Musalmans are in a majority, as in the case of the major provinces of Bengal and the Punjab, they are in a minority in the Legislative Assemblies, and in the Assemblies of Sind and the North-West Frontier Province, the total number, namely sixty and fifty respectively, is so small and weightage given to the non-Muslims so heavy that it can be easily manipulated,

and a decision under such conditions cannot be the true criterion of ascertaining the real opinion of the Musalmans of those provinces.

As regards the suggested plebiscite in the provinces in which the Musalmans are in a minority, in the event of the requisite majority not being available in the Legislative Assemblies, the procedure laid down is that reference shall be made to the whole adult population of the provinces and not to the Musalmans alone, which is to deny them the inherent right to self-determination.

(4) With regard to the Indian States, it is the considered opinion of the Committee that it is a matter for them to decide whether to join or not to join or form a Union.

(5) With regard to the treaties to be negotiated between the Crown and the Indian Union or Unions, the proposals do not indicate as to what would happen in case of disagreement on the terms between the contracting parties; nor is there any provision made as to what would be the procedure when there is a difference of opinion in negotiating a revision of treaty arrangements with the Indian States in the new situation.

(6) With regard to the interim arrangement, there is no definite proposal except the bare statement that His Majesty's Government desire and invite the effective and immediate participation of the leaders of the principal sections of the Indian people in the counsels of their country, of the Commonwealth, and of the United Nations. The Committee are, therefore unable to express their opinion until a complete picture is available. Another reason why the Committee are unable to express their opinion on the interim arrangements for participation in the counsels of the country is that Sir Stafford Cripps has made it clear that the scheme goes through as a whole or is rejected as a whole, and that it would not be possible to retain only the part relating to the immediate arrangements at the Centre and discard the rest of the Draft scheme; and as the Committee has come to the conclusion that the proposals for the future are unacceptable, it will serve no useful purpose to deal further with the question of the immediate arrangements.

17. Resolution of the Congress Working Committee on the Draft Declaration[1]

11 *April* 1942

The Working Committee have given its full and earnest consideration to the proposals made by the British War Cabinet with regard to India, and the elucidation of them by Sir Stafford Cripps. These proposals, which have been made at the very last hour because of the compulsion of events, have to be considered not only in relation to India's demand for independence, but more especially, in the present grave war crisis, with a view to meeting effectively the perils and dangers that confront India and envelop the world.

The Congress has repeatedly stated, ever since the commencement of war in September 1939, that the people of India would line themselves with the progressive forces of the world and assume full responsibility to face the new problems

[1] *The Civil & Military Gazette*, Lahore, 12 April 1942.
(The resolution was communicated to Sir Stafford Cripps on 2 April 1942. Ed.)

and shoulder the new burdens that had arisen, and it asked for the necessary conditions to enable them to do so to be created. An essential condition was the freedom of India, for only the realisation of present freedom could light the flame which would illumine millions of hearts and move them to action.

At the last meeting of the All-India Congress Committee, after the commencement of the war in the Pacific, it was stated that 'Only a free and independent India can be in a position to undertake the defence of the country on a national basis and be of help in the furtherance of the larger causes that are emerging from the forum of war.'

The British War Cabinet's new proposals relate principally to the future, upon the cessation of hostilities. The Committee, while recognising that self-determination for the people of India is accepted in principle in that uncertain future, regret that this is fettered and cirumscribed and that certain provisions have been introduced which gravely imperil the development of a free and united national government and the establishment of a democratic State. Even the constitution-making body is so constituted that the people's right of self-determination is vitiated by the introduction of non-representative elements.

The people of India have, as a whole, clearly demanded full independence, and the Congress has repeatedly declared that no other status except that of independence for the whole of India could be agreed to or could meet the essential requirements of the present situation.

The Committee recognise that future independence may be implicit in the proposals but the accompanying provisions and restrictions are such that real freedom may well become an illusion.

The complete ignoring of 90 millions of people in the Indian States, and their treatment as commodities at the disposal of their Rulers, is a negation both of democracy and self-determination. While the representation of an Indian State in the constitution-making body is fixed on a population basis, the people the of State have no voice in choosing those representatives, nor are they to be consulted at any stage while decisions vitally affecting them are being taken. Such States in many ways may become barriers to the growth of Indian freedom, enclaves where foreign authority still prevails and where the possibility of maintaining foreign armed forces has been stated to be a likely contingency and a perpetual menace to the freedom of the people of the States as well of the rest of India.

The acceptance beforehand of the novel principle of non-accession for a province is also a severe blow to the conception of Indian unity and an apple of discord likely to generate growing trouble in the provinces, and which may well lead to further difficulties in the way of the Indian States merging themselves into an Indian Union.

The Congress has been wedded to Indian freedom and unity and any break of that unity especially in the modern world when peoples' minds inevitably think in terms of ever larger federations, would be injurious to all conerned and exceedingly painful to contemplate. Nevertheless, the Committee cannot think in terms of compelling the people of any territorial unit to remain in an Indian Union against their declared and established will.

While recognising this principle, the Committee feel that every effort should be made to create conditions which would help the different units in developing a common and co-operative national life. The acceptance of this principle inevitably involves that no changes should be made which would result in fresh problems being created and compulsion being exercised on other substantial groups within that area. Each territorial unit should have the fullest possible autonomy within the Union, consistently with a strong national State.

The proposal now made on the part of the British War Cabinet encourages and will lead to attempts at separation at the very inception of the Union and thus create great friction just when the utmost co-operation and goodwill are most needed. This proposal has been presumably made to meet the communal demand, but it will have other consequences also and lead politically reactionary and obscurantist groups among different communities to create trouble and divert public attention from the vital issues before the country.

Any proposal concerning the future of India must demand attention and scrutiny, but in to-day's grave crisis it is the present that counts and even the proposals for the future are important in so far as they affect the present.

The Committe have necessarily attached the greatest importance to this aspect of the question, and on this ultimately depends what advice they should give to those who look to them for guidance. For this the present British War Cabinet's proposals are vague and altogether incomplete, and it would appear that no vital changes in the present structure are contemplated. It has been made clear that the defence of India will in any event remain under British control.

At any time defence is a vital subject; during war-time it is all important and covers almost every sphere of life and administration. To take away defence from the sphere of responsibility at this stage is to reduce that responsibility to a farce and nullity, and to make it prefectly clear that India is not going to be free in any way and her Government is not going to function as a free and independent Government during the pendency of the war. The Committee would repeat that the essential and fundamental prerequisite for the assumption of responsibility by the Indian people in the present is their realisation as a fact that they are free and are in charge of maintaining and defending their freedom. What is most wanted is the enthusiastic response of the people, which cannot be evoked without the fullest trust in them and the devolution of responsibility on them in the matter of defence.

It is only thus that even at this grave eleventh hour it may be possible to galvanise the people of India to rise to the height of the occasion. It is manifest that the present Government of India, as well as its provincial agencies, are lacking in competence and are incapable of shouldering the burden of India's defence. It is only the people of India, through their poupular representatives, who may shoulder this burden worthily. But that can only be done by present freedom and full responsibility being cast upon them.

The Committee, therefore, are unable to accept the proposals put forward on behalf of the British War Cabinet.

18. M. K. Gandhi on the Draft Declaration[1]

It is a thousand pities that the British Government should have sent a proposal for dissolving the political deadlock which, on the face of it, was too ridiculous to find acceptance anywhere. And it was a misfortune that the bearer should have been Sir Stafford Cripps, acclaimed as a radical among the radicals and a friend of India. I have no doubt about his goodwill. He believed that no one could have brought anything better for India. But he should have known that at least the Congress would not look at Dominion Status even though it carried the right of secession the very moment it was taken. He knew too that the proposal contemplated the splitting up of India into three parts, each having different ideas of governance. It contemplated Pakistan, and yet not the Pakistan of the Muslim League's conception. And last of all, it gave no real control over defence to responsible ministers.

The fact is that Sir Stafford Cripps, having become part of the imperial machinery, unconsciously partook of its quality. Such is its strength. It is the almost invariable experience in India that those Indians who are drawn into it lose their originality and become like their companions in the service and often outdo the latter in their loyalty to the Moloch of imperialism.

Had Sir Stafford remained detached, he would have conferred with his radical friends in India and secured their approbation before undertaking his very difficult mission. If it be said in answer that he could not very well do so, that is exactly what I mean when I say that, having become part of the machinery, he was bound to fall under its spell and could not do the obvious thing.

But it is no use brooding over the past or British mistakes. It is more profitable to look within. The British will take care of themselves, if we will take care of ourselves. Our mistakes or rather our defects are many. Why blame the British for our own limitations? Attainment of independence is an impossibility till we have solved the communal tangle. We may not blind ourselves to the naked fact. How to tackle the problem is another question. We will never tackle it, so long as either or both parties think that independence will or can come without any solution of the tangle. There are two ways of solving what has almost become insoluble. The one is the royal way of non-violence, and the other of violence. In the first way, formal consent or co-operation of the other party is unnecessary. If there is a dispute between two boys over the ownership of an apple, the non-violent way is to leave the apple for the other party to take, the latter well knowing that it would mean non-co-operation on the surrendering party's part. The second way is the usual way of violence. There the parties fight with each other till one is for the time being worsted. All interested in freedom have to make the choice. I suppose that the choice has already been made by the chief actors. But the rank and file do not know their own minds. It is necessary for them, if they can, to think independently and take to non-violent action in terms of unity. It consists

[1]From *Harijan*, 13 April 1942, as reproduced in D. G. Tendulkar, *Mahatma*, Volume Six, The Publications Division, Ministry of Information and Broadcasting, Government of India, Delhi, June 1962, pp. 73-75.

in the Hindus and Muslims on the wayside fraternizing with one another if they believe that joint life is a perfect possibility, nay a necessity. Whether those who believe in the two-nation theory and communal partition of India can live as friends co-operating with one another I do not know. If the vast majority of Muslims regard themselves as a separate nation having nothing in common with the Hindus and others, no power on earth can compel them to think otherwise. And if they want to partition India on that basis, they must have the partition, unless Hindus want to fight against such a division. So far as I can see, such a preparation is silently going on on behalf of both parties. That way lies suicide. Each party will probably want British or foreign aid. In that case, good-bye to independence. The fight will then range round not independence but the imaginary apple after the manner of the imaginary boys. I dare not contemplate the actuality. I should not like to be its living witness. I would love to see a joint fight for independence. In the very process of securing independence, it is highly likely that we shall have forgotten our quarrels. But if we have not, it will be then only time to quarrel, if we must.

19. Letter from Sir Stafford Cripps to Maulana Abul Kalam Azad[1]

10 *April* 1942

I was extremely sorry to receive your letter expressing the rejection by the Congress Working Committee of His Majesty's Government's Draft Declaration.

. . . The real substance of your refusal to take part in a National Government is that the form of Government suggested is not such as would enable you to rally the Indian people as you desire.

You make two suggestions. First, that the Constitution might now be changed. In this respect I would point out that you made this suggestion for the first time last night nearly three weeks after you had received the proposals, and I would further remark that every other representative with whom I have discussed this view has accepted the practical impossibility of any such legislative change in the middle of a war and at such a moment as the present. Second, you suggest 'a truly National Government' be formed which must be a 'Cabinet Government with full power'.

Without constitutional changes of a most complicated character and on a very large scale this would not be possible, as you realise. Were such a system to be introduced by convention under the existing circumstances, the nominated Cabinet (nominated presumably by the major political organisations) would be responsible to no one but itself, could not be removed and would in fact constitute an absolute dictatorship of the majority. This suggestion would be rejected by all minorities in India, since it would subject all of them to a permanent and autocratic majority in the Cabinet. Nor would it be consistent with the pledges already given by His Majesty's Government to protect the rights of these minorities.

[1]Francis Low (Ed.), *The Indian Year-Book* 1942-43, Bennett, Coleman & Co., Ltd., Bombay, pp. 822-23.

In a country such as India where communal divisions are still so deep an irresponsible majority Government of this kind is not possible. Apart from this, however, until such time as the Indian peoples frame their new constitution, His Majesty's Government must continue to carry out its duties to those large sections of the Indian people to whom it has given its pledges.

The proposals of His Majesty's Government went as far as possible, short of a complete change in the Constitution which is generally acknowledged as impracticable in the circumstances of today.

While therefore both I and His Majesty's Government recognise the keen desire of your Working Committee to carry on the war against the enemy by every means in their power, they regret that your Working Committee has not seen its way to join in the war effort upon the conditions sincerely offered, the only conditions which could have brought together all the different communities and sections of the Indian people.

20. Resolution of the Madras Congress Legislature Party on the Pakistan Demand[1]

23 *April* 1942

The Madras Legislature Congress Party notes with deep regret that the attempts to establish a National Government for India to enable her to face the problems arising out of the present grave situation have failed and that, as a result of this, nationalist India has been placed in a dilemma. It is impossible for the people to think in terms of neutrality or passivity during an invasion by an enemy Power. Neither is it practicable to organise any effective defence independently and un-co-ordinated with the defence measures of the Government.

It is absolutely and urgently necessary in the best interests of the country at this hour of peril to do all that the Congress can possibly do to remove every obstacle in the way of the establishment of a national administration to face the present situation; and, therefore, inasmuch as the Muslim League has insisted on the recognition of the right of separation of certain areas from united India upon the ascertainment of the wishes of the people of such areas as a condition precedent for a united national action at this moment of grave national danger, this party is of opinion and recommends to the All-India Congress Committee that to sacrifice the chances of the formation of a National Government for the doubtful advantage of maintaining a controversy over the unity of India is a most unwise policy and that it has become necessary to choose the lesser evil and acknowledge the Muslim League's claim for separation, should the same be persisted in when the time comes for framing a constitution for India, and thereby remove all doubts and fears in this regard and to invite the Muslim League for a consultation for the purpose of arriving at an agreement and securing the installation of a National Government to meet the present emergency.

[1] *The Civil & Military Gazette*, Lahore, 25 April 1942.

21. C. Rajagopalachari's Resolution on the Pakistan Demand[1]

The All-India Congress Committee notes with deep regret that the attempts to establish a National Government for India to enable her to face the problems arising out of the present grave situation have failed and that as a result of this, nationalist India has been placed in a dilemma. It is impossible for the people to think in terms of neutrality or passivity during an invasion by an enemy Power. Neither is it practicable to organise an effective defence, independently and uncoordinated with the defence measures of the Government. It is absolutely and urgently necessary in the best interests of the country at this hour of peril to do all that Congress can possibly do to remove every obstacle in the way of establishment of a national administration to face the present situation; and, therefore, inasmuch as the Muslim League has insisted on the recognition of the right of separation of certain areas from united India upon the ascertainment of the wishes of the people of such areas, as a condition precedent for united national action at this moment of grave national danger, the A.I.C.C. is of opinion that to sacrifice the chances of the formation of a National Government at this grave crisis for the doubtful advantage of maintaining a controversy over the unity of India is a most unwise policy and that it has become necessary to choose the lesser evil and acknowledge the Muslim League's claim for separation, should the same be persisted in when the time comes for framing a constitution for India, and thereby remove all doubts and fears in this regard, and to invite the Muslim League for a consultation for the purpose of arriving at an agreement and securing the installation of a National Government to meet the present emergency.

22. Pandit Jagat Narayan's Resolution on the Pakistan Demand[2]

The All-India Congress Committee is of opinion that any proposal to disintegrate India by giving liberty to any component state or territorial unit to secede from the Indian Union or Federation will be highly detrimental to the best interests of the people of the different states and provinces and the country as a whole and the Congress, therefore, cannot agree to any such proposal.

23. M.K. Gandhi's Draft Resolution on the Problem of India's Defence[3]

The A.I.C.C. is of opinion that Britain is incapable of defending India. It is natural that whatever she does is for her own defence. Ther is an eternal conflict between Indian and British interests. It follows that their notions of defence

[1] *The Indian Annual Register*, January-June 1942, pp. 294-295.
(The resolution, moved on 2 May 1942, was rejected, 15 members voting for, and 120 members against it. Ed.)
[2] *The Civil & Military Gazette*, Lahore, 3 May 1942.
(This counter resolution was passed, 92 members voting for it, 17 against it. Ed.)
[3] *The Indian Struggle* 1920-1942 (Works of Subhas Chandra Bose, compiled by the Netaji Research Bureau, Calcutta), Asia Publishing House, New York, 1964, pp. 443—444.
(Gandhi sent this draft resolution to the Congress Working Committee for consideration at its meeting from 27 April to 1 May 1942. Ed.)

would also differ. The British Government has no trust in India's political parties. The Indian army has been maintained up till now mainly to hold India in subjugation. It has been completely segregated from the general population who can in no sense regard it as their own. This policy of mistrust still continues and is the reason why national defence is not entrusted to India's elected representatives.

Japan's quarrel is not with India. She is warring against the British Empire. India's participation in the war has not been with the consent of the representatives of the Indian people. It was purely a British act. If India were freed her first step would probably be to negotiate with Japan. The Congress is of opinion that if the British withdrew from India, India would be able to defend herself in the event of Japanese or any aggressor attacking India.

The A.I.C.C. is, therefore, of opinion that the British should withdraw from India. The plea that they should remain in India for protecting the Indian Princes is wholly untenable. It is additional proof of their determination to maintain their hold over India. The Princes need have no fear from unarmed India.

The question of majority and minority is a creation of the British Government and would disappear on their withdrawal.

24. Resolution of the Congress Working Committee on the Problem of India's Defence[1]

14 *July* 1942

The events happening from day to day, and the experience that the people of India are passing through, confirm the opinion of Congressmen that British rule in India must end immediately, not merely because foreign domination, even at its best, is an evil in itself, and a continuing injury to the subject people, but because India in bondage can play no effective part in defending herself and in affecting the fortunes of the war that is desolating humanity.

The freedom of India is thus necessary not only in the interest of India but also for the safety of the world and for the ending of Nazism, Fascism, militarism and other forms of imperialism, and the aggression of one nation over another.

Ever since the outbreak of the world war, the Congress has studiedly pursued a policy of non-embarrassment. Even at the risk of making its *satyagraha* ineffective, it deliberately gave it a symbolic character, in the hope that this policy of non-embarrassment, carried to its logical extreme, would be duly appreciated and that real power would be transferred to popular representatives so as to enable the nation to make its fullest contribution towards the realisation of human freedom throughout the world, which is in danger of being crushed. It had also hoped that negatively nothing would be done which was calculated to tighten Britain's strangle-hold on India.

These hopes have, however, been dashed to pieces. The abortive Cripps proposals showed in the clearest possible manner that there was no change in the British Government's attitude towards India and that the British hold on India was in no way to be relaxed. In the negotiations with Sir Stafford Cripps, Congress

[1] *The Civil & Military Gazette*, Lahore, 15 July 1942.

representatives tried their utmost to achieve the minimum, consistent with the national demand, but to no avail. This frustration has resulted in a rapid and widespread increase of ill-will against Britain and a growing satisfaction at the success of Japanese arms.

The Working Committee view this development with grave apprehension as this, unless checked, will inevitably lead to a passive acceptance of aggression. The Committee holds that all aggression must be resisted, for any submission to it must mean the degradation of the Indian people and the continuation of their subjection. The Congress is anxious to avoid the experience of Malaya, Singapore and Burma and desires to build up resistance to any aggression on, or invasion of, India by the Japanese or any foreign Power. The Congress would change the present ill-will against Britain into good-will and make India a willing partner in a joint enterprise of securing freedom for the nations and peoples of the world and in the trials and tribulations which accompany it. This is only possible if India feels the glow of freedom.

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Should, however, this appeal fail, the Congress cannot view without the gravest apprehension the continuation of the present state of affairs involving a progressive deterioration in the situation and the weakening of India's will and power to resist aggression. The Congress will then be reluctantly compelled to utilise all the non-violent strength it might have gathered since 1920, when it adopted non-violence as part of its policy for the vindication of political rights and liberty. Such a widespread struggle would inevitably be under the leadership of Mahatma Gandhi.

25. M.K. Gandhi on the Proposed Struggle[1]

. . . it will be a mass movement of a strictly non-violent character. It will include all that a mass movement can include. I do not want rioting as a direct result. If, in spite of all precautions, rioting does take place it cannot be helped. . . . I am not going to court imprisonment. The struggle does not involve courting imprisonment. It is too soft a thing. We had, no doubt, made it a business to court imprisonment up to now, but there will be no such thing this time. My intention is to make the thing as short and swift as possible. But if I am dragged into jail, it is difficult to say what I may do. But I can fast, as I have fasted before now, though I should try to avoid such an extreme step so far as possible.

. . . . There is no room left for negotiations in the proposal for withdrawal. Either they recognise independence or they don't. After that recognition many things can follow. After all it is an open rebellion.

26. Sardar Vallabhbhai Patel on the 'Quit India' Resolution[2]

The 'Quit India' resolution has made India the talk of the world. English

[1]Sir Francis Low (Ed.), *The Indian Year-Book* 1943-44, Bennett, Coleman & Co. Ltd., Bombay, p. 808.

[2]From speeches at Ahmedabad, Narhari D. Parikh, *Sardar Vallabhbhai Patel*, Vol. II, Navajivan Publishing House, Ahmedabad, December 1956, pp. 475-476.

and American newspapers are esverely criticising us, and India is receiving today publicity which it could not have obtained even if it had decided to spend thousands of rupees. The resolution passed by the Congress is putting the democratic ideals of the British and the Americans to a real test. It is also designed to put to test our desire for independence. Is it genuine or is it not? If we wish to pass this test, then, as Gandhiji says, we must make the struggle short and decisive. Everyone, young or old, must make his contribution towards this momentous struggle. Then only can we give a fitting reply to the criticisms of the British and the Americans. If the Congress has, as they claim, the support of only a few, why should they be so concerned and why should they be so angry? If any only a few people are supporting Gandhiji, then there must be room for these few in the jails. But they realize that this struggle will be on a scale never attempted before in India. It is said that Britain and American are fighting the war on behalf of democracy. But is not their idea of democracy synonymous with plunder of the coloured people? This war has surely arisen out of a dispute on how to divide the loot. Both parties are prepared to plunder Africa and Asia but have not agreed upon the appropriate distribution of the plunder among themselves. If the British Government has any true friend, it is Mahatmaji. He has always served the British like a true sergeant. But today when he is almost 74, he feels that we must part company with them.

Such a situation is not going to recur. Do not be afraid. Let no one say that Gandhiji was alone when he came forward to wage the battle of independence for India at the age of 74.... We must consider carefully wherein lies our duty. Whether you are asked or not, whether there arises an occasion or not let there be no question of your being not ready. Do not ask what is the programme of work. This struggle will be an all-embracing one and the Congress will welcome non-payment of taxes, civil disobedience and such direct actions that will obstruct the Government in their administration. Let the Railwaymen refuse to work on the Railways. Let the post and telegraph men go on strike. Let Government servants give up their service. Let teachers and students keep away from schools and colleges and thus co-operate in bringing to a standstill the entire administrative machinery of the Government. It is in such a struggle that I am inviting all of you to join and if there is your wholehearted support, the struggle will be over and won in as matter of days. The British will have to quit. Even if workers are removed from your midst, if every Indian feels that he is a Congressman and it is his duty to participate in the struggle, then independence must come immediately and without any doubt.

You must proceed on the assumption that Mahatmaji and your leaders will immediately be arrested. If Gandhiji is arrested, you have within you the strength of compelling the British to surrender within 24 hours. You have been shown all the ways of achieving it. Do implement these suggestions. If all those who assist in the Government administration stand aside, the administration must necessarily break down. Only when India becomes independent, can Congress dissolve itself, for then its task will have been done. The Congress does not ask for power for itself. It asks it for the country. Take up the message of the Congress and Mahatmaji and make the name of your country great.

27. 'Quit India' Resolution of the All-India Congress Committee[1]
8 *August* 1942

The All-India Congress Committee has given the most careful consideration to the reference made to it by the Working Committee in their resolution dated July 14, 1942 and to subsequent events, including the development of the war situation, the utterances of responsible spokesmen of the British Government, and the comments and criticisms made in India and abroad. The Committe approves of and endorses that resolution and is of opinion that events subsequent to it have given it further justification, and have made it clear that the immediate ending of British rule in India is an urgent necessity both for the sake of India and for the success of the cause of the United Nations. The continuation of that rule is degrading and enfeebling India and making her progressively less capable of defending herself and of contributing to the cause of world freedom.

The Committee has viewed with dismay the deterioration of the situation on the Russian and Chinese fronts and conveys to the Russian and Chinese peoples its high appreciation of their heroism in defence of their freedom. This increasing peril makes it incumbent on all those who strive for freedom and who sympathise with the victims of aggression to examine the foundations of the policy so far pursued by the Allied Nations, which had led to repeated and disastrous failure. It is not by adhering to such aims and policies and methods that failure can be converted into success, for past experience has shown that failure is inherent in them. These policies have been based not on freedom so much as on the domination of subject and colonial countries, and the continuation of the imperialist tradition and method. The possession of empire, instead of adding to the strength of the ruling Power, has become a burden and a curse. India, the classic land of modern imperialism, has become the crux of the question, for by the freedom of India will Britain and the United Nations be judged, and the peoples of Asia and Africa be filled with hope and enthusiasm. The ending of British rule in this country is thus a vital and immediate issue on which depend the future of the war and the success of freedom and democracy. A free India will assure this success by throwing all her great resources in the struggle for freedom and against the aggression of Nazism, Fascism and Imperialism. This will not only affect materially the fortunes of the war, but will bring all subject and oppressed humanity on the side of the United Nations and give these Nations, whose ally India would be, the moral and spiritual leadership of the world. India in bondage will continue to be the symbol of British Imperialism and the taint of that imperialism will affect the fortunes of all the United Nations.

The peril of today, therefore, necessitates the independence of India and the ending of British domination. No future promises or guarantees can affect the present situation or meet the peril. They cannot produce the needed psychological effect on the mind of the masses. Only the glow of freedom now can release that energy and enthusiasm of millions of people which will immediately transform the

[1]Sir Francis Low (Ed.), *The Indian Year-Book* 1943-44, Bennett, Coleman & Co., Ltd., Bombay, pp. 810-811.

nature of the war.

The A.I.C.C. would yet again, at this last moment, in the interest of world freedom, renew this appeal to Britain and the United Nations. But the Committee feels that it is no longer justified in holding the nation back from endeavouring to assert its will against an imperialist and authoritarian Government which dominates over it and prevents it from functioning in its own interest and in the interest of humanity. The Committee resolves, therefore, to sanction for the vindication of India's inalienable right to freedom and independence the starting of a mass struggle on non-violent lines on the widest possible scale so that the country might utilise all the non-violent strength it has gathered during the last twenty-two years of peaceful struggle. Such a struggle must inevitably be under the leadership of Gandhiji and the Committee requests him to take the lead and guide the nation in the steps to be taken.

The Committee appeals to the people of India to face the dangers and hardships that will fall to their lot with courage and endurance, and to hold together under the leadership of Gandhiji, and carry out his instructions as disciplined soldiers of Indian freedom. They must remember that non-violence is the basis of this movement. A time may come when it may not be possible to issue instructions or for instructions to reach our people, and when no Congress Committee can function. When this happens, every man and woman, who is participating in this movement must function for himself or herself within the four corners of the general instructions issued. Every Indian who desires freedom and strives for it must be his own guide urging him on along the hard road where there is no resting place and which leads ultimately to the independence and deliverance of India.

Lastly, while the A.I.C.C. has stated its own view of the future governance under free India, the A.I.C.C. wishes to make it quite clear to all concerned that by embarking on mass struggle it has no intention of gaining power for the Congress. The power, when it comes, will belong to the whole people of India.

28. C. Rajagopalachari on the Muslim League Demand for Self-Determination[1]

16 *August* 1942

The Muslim League may take it for granted that there are faults on both sides, but it must find a way to save the country from the triple curse that hangs over it—internal disorder, foreign rule and rapidly approaching external aggression. The Quaid-i-Azam cannot be oblivious of the growing demand, even among his own people, for the immediate enforcement of a practical solution. A provisional Government can and must be formed which can truly claim to speak on behalf of the whole nation and which can peremptorily demand of the British the transfer of full power, making it impossible for any false plea or procrastination to be made on the part of British Imperialism.

The Muslim League stands quite as much as the Congress does for the complete termination of British power in India. The League can take it for granted

[1] *The Tribune*, Lahore, 17 August 1942.

that the right of self-determination for the federating units is agreed to by the Congress and that any such areas may choose to be sovereign and separate, when the time comes, and be bound with the rest of India only for the purposes of mutual defence against foreign aggression.

I have tried hard to get from the Congress an explicit settlement of this question and admit that I have failed so far. But what has been denied in the terms I wanted is practically conceded in other terms. I do not want now to discuss the relative merits of explicit concession and indirect admission.

It is enough for me to say that what is wanted is there and no one can deny it. The League can declare its readiness on this basis, to co-operate with the Congress in the formation of provisional Government to take full responsibility for the Government of India and for the defence of the country.

29. Resolution of the Muslim League Working Committee on the 'Quit India' Resolution[1]

20 *August* 1942

The Working Committee of the All India Muslim League, having given their deep and anxious consideration to the present political development in the country, deplore the decision arrived at by the All-India Congress Committee on August 8, 1942, to launch an 'open rebellion' by resorting to a mass civil disobedience movement in pursuance of their objective of establishing Congress-Hindu domination in India, which has resulted in lawlessness and considerable destruction of life and property.

It is the considered opinion of the Working Committee that this movement is directed not only to coerce the British Government into handing over power to a Hindu oligarchy and thus disabling them from carrying out their moral obligations and pledges given to the Mussalmans and other sections of the peoples of India from time to time, but also to force the Mussalmans to submit and surrender to the Congress terms and dictation. Ever since the beginning of the war and even prior to that the sole objective of Congress policy has been either to cajole or coerce the British Government into surrendering power to the Congress—a Hindu body with a microscopic following of other communities—in utter suppression of one hundred millions of Mussalmans, besides millions of other peoples of this vast sub-continent of India. While claiming the right of self-determination for 'India', which is a mere Congress euphemism for a Hindu majority, it has persistently opposed the right of self-determination for the Muslim nation to decide and determine their own destiny.

On May 1, 1942, the All-India Congress Committee, by their resolution emphatically repudiated the Muslim League demand for the right of self-determination for Muslims and thus closed the door for the settlement of the communal problem, which is a condition precedent to the attainment of the freedom and inde-

[1]Resolutions of the All India Muslim League from April 1942 to May 1943, published by (Nawabzada) Liaquat Ali Khan, M.A. (Oxon), M.L.A. (Central), Barrister-at-Law. Honorary Secretary, All India Muslim League, Delhi, pp. 9-15.

pendence of India. The Congress had also recognised this as an indispensable condition and had, therefore, made it a prominent plank in the Congress programme for over 20 years, but by their recent decisions have suddenly thrown it overboard and substituted the fantastic theory that the solution of the Hindu-Muslim problem can only follow the withdrawal of British power from India.

The negotiations of Sir Stafford Cripps with the Congress broke down not on the issue of independence but because of the refusal of the British Government to hand over the Muslims and the minorities to the tender mercies of the Congress. Any acquiescence in this on the part of the British would have been strenuously resisted by the minorities and particularly by the Muslim nation, with memories of tyranny in the Congress governed provinces still fresh and vivid in their minds.

Baulked in their effort to cajole Sir Stafford Crips to agree to the transfer of power to the Congress caucus, they decided upon a slogan—'Quit India'—accompanied by the threat of mass civil disobedience. This slogan is a mere camouflage and what is really aimed at is supreme control of the Government of the country by the Congress.

The Muslims are not a whit less insistent on freedom for the country and the achievement of independence of the people of India, which is the creed of the All India Muslim League. They are, however, firmly convinced that the present Congress movement is not directed for securing the independnece of all the constituent elements in the life of the country but for the establishment of a Hindu Raj and to deal a death blow to the Muslim goal of Pakistan.

. . . The Muslim League, as it has been repeatedly made clear, stands not only for Pakistan and the freedom of Muslims, but also for the freedom and independence of Hindustan and Hindus.

The Muslim League has been and is ready and willing to consider any proposals and negotiate with any party on a footing of equality for the setting up of a provisional Government of India in order to mobilize the resources of the country for the purpose of the defence of India and successful prosecution of the war provided the demands of Muslim India, as indicated above, are conceded unequivocally.

In these circumstances the Working Committee of the All India Muslim League, after anxious and careful consideration, call upon the Muslims to abstain from any participation in the movement initiated by the Congress and continue to pursue their normal peaceful life. The Working Committee hope that no attempt shall be made from any quarter to intimidate, coerce, molest or interfere in any manner with the normal life of the Muslims, otherwise the Muslims would be compelled to offer resistance and adopt all such measures as may be necessary for the protection of their life, honour and property.

30. C. Rajagopalachari's Draft Formula for Settlement between the Congress and the Muslim League[1]

Basis for terms of settlement between the Indian National Congress and the All-India Muslim League, to which Mr. Gandhi and Mr. Jinnah agree and which they will endeavour respectively to get the Congress and the League to approve:

(1) Subject to the terms set out below as regards the constitution for free India, the Muslim League endorses the Indian demand for independence and will co-operate with the Congress in the formation of a provisional interim Government for the transitional period.

(2) After the termination of the war, a commission shall be appointed for demarcating contiguous districts in the north-west and east of India, wherein the Muslim population is in absolute majority. In the areas thus demarcated, a plebiscite of all the inhabitants, held on the basis of adult franchise or other practicable franchise, shall ultimately decide the issue of separation from Hindustan. If the majority decides in favour of the formation of a sovereign State separate from Hindustan, such decisions shall be given effect to, without prejudice to the right of the districts on the border to choose to join either State.

(3) It will be open to all parties to advocate their points of view before the plebiscite is held.

(4) In the event of separation, a mutual agreement shall be entered into for safeguarding defence, commerce and communications and other essential purposes.

(5) Any transfer of population shall only be on an absolutely voluntary basis.

(6) These terms shall be binding only in case of transfer by Britain of full power and responsibility for the governance of India.

31. Letter from M.K. Gandhi to Lord Wavell[2]

27 *July* 1944

I am prepared to advise the Working Committee to declare that, in view of the changed conditions, mass civil disobedience envisaged by the resolution of August 1942, cannot be offered and that full co-operation in war effort should be given by the Congress if a declaration of immediate Indian independence is made

[1]Sir Francis Low (Ed.), *The Indian Year-Book* 1945-46, Bennett, Coleman & Co., Ltd., Bombay, pp. 871-872.

(This draft formula formed an enclosure to C. Rajagopalachari's letter dated 8 April 1944 to M.A. Jinnah. In the letter Rajagopalachari said that he discussed the formula with Gandhi in March 1943 and the latter expressed full approval of it. Ed.)

[2]D.G. Tendulkar, *Mahatma*, Volume Six, The Publications Division, Ministry of Information and Broadcasting, Government of India, Delhi, June 1962, p. 263.

and a national government responsible to the Central Assembly be formed subject to the proviso that during the pendency of the war, the military operations should continue as at present, but without involving any financial burden on India. If there is a desire on the part of the British Government for a settlement, friendly talks should take the place of correspondence. But I am in your hands. I shall continue to knock so long as there is the least hope of an honourable settlement.

After the foregoing was written, I saw Lord Munster's speech in the House of Lords. The summary given by him in the House of Lords fairly represents my proposal. This summary may serve as a basis for mutual friendly discussion.

32. Letter from Lord Wavell to M.K. Gandhi[1]

15 *August* 1944

His Majesty's Government remain most anxious that a settlement of Indian problem should be reached. But proposals such as those put forward by you are quite unacceptable to His Majesty's Government as a basis for discussion and you must realise this if you have read Mr. Amery's statement in the House of Commons on July 28th last. They are indeed very similar to the proposals made by Maulana Abul Kalam Azad to Sir Stafford Cripps in April 1942 and His Majesty's Government's reasons for rejecting them are the same as they were then.

Without recapitulating all these reasons in detail, I should remind you that His Majesty's Government at that time made it clear: (*a*) That their offer of unqualified freedom after the cessation of hostilities was made conditional upon the framing of a constitution agreed by the main elements of India's national life and the negotiation of the necessary treaty arrangements with His Majesty's Government; (*b*) That it is impossible during the period of hostilities to bring about any change in the constitution, by which means alone a 'National Government', such as you suggest, could be made responsible to the Central Assembly. The object of these conditions was to ensure the fulfilment of their duty to safeguard the interests of the racial and religious minorities and of the Depressed Classes, and their treaty obligations to the Indian States.

*

It is clear, in these circumstances, that no purpose would be served by discussion on the basis which you suggest. If, however, the leaders of the Hindus, the Muslims, and the important minorities were willing to co-operate in a transitional government established and working within the present constitution, I believe good progress might be made. For such a transitional government to succeed, there must, before it is formed, be agreement in principle between Hindus and Muslims and all important elements as to the method by which the new constitution should be framed. This agreement is a matter for Indians themselves. Until Indian leaders have come closer together than they are now, I doubt if I myself can do anything to help. Let me remind you too that the minority problems are not easy. They are real and can be solved only by mutual compromise and tolerance.

[1]Sir Francis Low (Ed.), *The Indian Year-Book* 1947, Bennett, Coleman & Co., Ltd., Bombay, pp. 879, 880.

33. M. K. Gandhi on Lord Wavell's Reply[1]

The Viceroy's poroposition means that unless all the main parties agree as to the constitution of the future, and there is an agreement between the British Government and all the main parties, there is to be no change in the constitutional position, and the Government of India as at present is to be carried on. The names of parties given in the Government reply are illustrations only. I have no doubt that on due occasions, more will be exhibited as from a conjurer's bag and who knows how and when the British Government will agree to surrender control. It is as clear as crystal that the British Government do not propose to give up the power they possess over the 400 millions, unless the latter develop strength enough to wrest it for them. I shall never lose hope that India will do so by purely moral means.

34. Gandhi-Jinnah Talks[2]

(i) Letter from M. K. Gandhi to M. A. Jinnah[2]

15 *September* 1944

This is in terms of our talk of Wednesday September 13.

For the moment, I have shunted the Rajaji formula, and with your assistance, am applying my mind very seriously to the famous Lahore Resolution of the Muslim League.

You must admit that the resolution itself makes no reference to the two nations theory. In the course of our discussions, you have passionately pleaded that India contains two nations, *i.e.* Hindus and Muslims, and that the latter have their homelands in India as the former have theirs.

The more our argument progresses, the more alarming your picture appears to me. It would be alluring if it were true. But my fear is growing that it is wholly unreal. I find no parallel in history for a body of converts and their descendants claiming to be a nation apart from the parent stock. If India was one nation before the advent of Islam, it must remain one in spite of the change of faith of a very large body of her children.

You do not claim to be a separate nation by right of conquest but by reason of acceptance of Islam. Will the two nations become one if the whole of India accepted Islam? Will Bengalis, Oriyas, Andhras, Tamilians, Maharashtrians and Gujratis, etc. cease to have their special characteristics if all of them become converts to Islam?

These have all become one politically because they are subject to one foreign control. They are trying today to throw off that subjection.

[1]D.G. Tendulkar, *Mahatma,* Volume Six, The Publications Division, Ministry of Information and Broadcasting, Government of India, Delhi, June 1962, p. 265.
[2]*Gandhi-Jinnah Talks,* The Hindustan Times, New Delhi, October 1944, pp. 12-14.

You seem to have introduced a new test of nationhood. If I accept it, I would have to subscribe to many more claims and face an insoluble problem.

The only real though lawful test of our nationhood arises out of our common political subjection. If you and I throw off this subjection by our combined effort, we shall be born a politically free nation out of our travail. If by then we have not learnt to prize our freedom, we may quarrel among ourselves and, for want of a common master holding us together in his iron grip, seek to split up into small groups of nationalities. There will be nothing to prevent us from descending to that level and we shall not have to go in search of a master. There are many claimants to the throne that never remains vacant.

With this background I shall present you with my difficulty in accepting— your resolution:

(1) Pakistan is not in the resolution. Does it bear the original meaning— the Punjab, Afghanistan, Kashmir, Sind and Baluchistan, out of which the name was mnemonically formed? If not, what is it?

(2) Is the goal of Pakistan pan-Islam?

(3) What is it that distinguishes an Indian Muslim from every other Indian, if not his religion? Is he different from a Turk or an Arab?

(4) What is the connotation of the word 'Muslims' in the resolution under discussion? Does it mean the Muslims of the India of geography or of the Pakistan to be?

(5) Is the resolution addressed to Muslims by way of education, or to the inhabitants of the whole of India by way of appeal, or to the foreign rulers as an ultimatum?

(6) Are the constituents in the two zones to constitute 'independent States', an undefined number in each zone?

(7) Is the demarcation to take place during the pendency of the British rule?

(8) If the answer to the last question is in the affirmative, the proposal must be accepted first by Britain and then imposed upon India, not evolved from within the free will of the people of India!!!

(9) Have you examined the position and satisfied yourself that these 'independent States' will be materially and otherwise benefited by being split up into fragments?

(10) Please satisfy me that these independent sovereign States will not become a collection of poor States, a menance to themselves and to the rest of India.

(11) Pray show me the facts and figures or otherwise how far independence and welfare of India as a whole can be brought about by the acceptance of the resolution?

(12) How are Muslims under the Princes to be disposed of as a result of this scheme?

(13) What is your definition of 'minorities'?

(14) Will you please define the "adequate, effective and mandatory safeguards" for minorities referred to in the second part of the resolution?

(15) Do you not see that the Lahore resolution contains only a bare statement of the objective and does not give any idea as to the means to be adopted for the execution of the idea and the concrete corrollaries thereof?

For instance:

(*a*) Are the people in the regions falling under the plan to have any voice in the matter of separation and, if so, how is it to be ascertained?

(*b*) What is the provision for defence and similar matters of common concern contemplated in the Lahore resolution?

(*c*) There are many groups of Muslims who have continuously expressed dissent from the policy of the League. While I am prepared to accept the preponderating influence and position of the League and have approached you for that very reason, is it not our joint duty to remove their doubts and carry them with us by making them feel that they and their supporters have not been practically disfranchised?

(*d*) Does this not lead again to placing the resolution of the League before the people of the zones concerned as a whole for acceptance?

As I write this letter and imagine the working of the resolution in practice, I see nothing but ruin for the whole of India. Believe me, I approach you as a seeker. Though I represent nobody but myself, I aspire to represent all the inhabitants of India. For, I realize in my own person their misery and degradation, which is their common lot, irrespective of class, caste or creed. I know that you have acquired a unique hold on the Muslim masses. I want you to use your influence for their total welfare, which must include the rest.

In this hastily written letter I have only given an inkling of my difficulty.

(ii) **Letter from M.A. Jinnah to M.K. Gandhi**[1]

17 *September* 1944

. . . We maintain and hold that Muslims and Hindus are two major nations by any definition or test of a nation. We are a nation of a hundred million, and what is more, we are a nation with our own distinctive culture and civilization, language and literature, art and achitecture, names and nomenclature, sense of value and proportion, legal laws and moral codes, customs and calendar, history and traditions, aptitudes and ambitions—in short we have our own distinctive outlook on life and of life. By all canons of international law we are a nation. Now I shall reply to your various points:

(1) Yes, the word "Pakistan" is not mentioned in the resolution, and it does not bear the original meaning. The word has now become synonymous with the Lahore resolution.

(2) This point does not arise, but still I reply that the question is a mere bogey.

(3) This point is covered by my answer that the Mussalmans of India are a nation. As to the last part of your query, it is hardly relevant to the matter of

[1] *Ibid.*, pp. 16-18.

clarification of the resolution.

(4) Surely you know what the word 'Muslims' means.

(5) This point does not arise by way of clarification of the text of the Lahore resolution.

(6) No. They will form units of Pakistan.

(7) As soon as the basis and the principles embodied in the Lahore resolution are accepted, the question of demarcation will have to be taken up immediately.

(8) In view of my reply to (7), your question (8) has been answered.

(9) Does not relate to clarification.

(10) My answer to (9) covers this point.

(11) Does not arise out of the clarification of the resolution. Surely this is not asking for clarification of the resolution. I have in numerous speeches of mine and the Muslim League in its resolutions have pointed out that this is the only solution of India's problem and the road to achieve freedom and independence of the peoples of India.

(12) "Muslims under the Princes". The Lahore resolution is only confined to British India. This question does not arise out of the clarification of the resolution.

(13) The definition of 'minorities'. You yourself have often said "minorities" means "accepted minorities".

(14) The adequate, effective and mandatory safeguards for minorities referred to in the resolution are a matter for negotiation and settlement with the minorities in the respective States, *viz.* Pakistan and Hindustan.

(15) It does give basic principles and when they are accepted, then the details will have to be worked out by the contracting parties.

(*a*) Does not arise by way of clarification.

(*b*) Does not arise by way of clarification.

(*c*) The Muslim League is the only authoritative and representative organization of Muslim India.

(*d*) No; see answer (*c*).

As regards your final paragraph, before receiving clarifications from me you have already passed your judgement when you say, "As I write this letter and imagine the working of the resolution in practice, I see nothing but ruin for the whole of India."

I understand that you have made clear to me that you represent nobody but yourself, and I am trying to persuade you and to convince you that this is the road which will lead us to the achievement of freedom and independence not only of the two major nations, Hindus and Muslims, but of the rest of the peoples of India, but when you proceed to say that you aspire to represent all the inhabitants of India, I regret I cannot accept that statement of yours.

It is quite clear that you represent nobody else but the Hindus, and as long as you do not realize your true position and the realities, it is very difficult for me to argue with you, and it becomes still more difficult to persuade you, and hope to convert you to the realities and the actual conditions prevailing in India today. I am pleading before you in the hope of converting you, as I have done

with many others successfully.

(iii) Letter from M.K. Gandhi to M.A. Jinnah[1]

24 *September* 1944

I proceed on the assumption that India is not to be regarded as two or more nations but as one family consisting of many members of whom the Muslims living in the north-west zones, *i.e.,* Baluchistan, Sind, North-West Frontier Province and that part of the Punjab where they are in absolute majority over all the other elements and in parts of Bengal and Assam where they are in absolute majority, desire to live in separation from the rest of India.

Differing from you on the general basis, I can yet recommend to the Congress and the country the acceptance of the claim for separation contained in the Muslim League resolution of Lahore of 1940 on my basis and on the following terms:-

The areas should be demarcated by a Commission approved by the Congress and the League. The wishes of the inhabitants of the areas demarcated should be ascertained through the votes of the adult population of the areas or through some equivalent method.

If the vote is in favour of separation it shall be agreed that these areas shall form a separate State as soon as possible after India is free from foreign domination and can therefore be constituted into two sovereign independent States.

There shall be a treaty of separation which should also provide for the efficient and satisfactory administration of foreign affairs, defence, internal communications, customs, commerce and the like, which must necessarily continue to be the matters of common interest between the contracting parties.

The treaty shall also contain terms for safeguarding the rights of minorities in the two States.

Immediately on the acceptance of this agreement by the Congress and the League the two shall decide upon a common course of action for the attainment of independence of India.

The League will however be free to remain out of any direct action to which the Congress may resort and in which the League may not be willing to participate.

If you do not agree to these terms, could you let me know in pecise terms what you would have me to accept in terms of the Lahore resolution and bind myself to recommend to the Congress? If you could kindly do this, I shall be able to see, apart from the difference in approach, what definite terms I can agree to. In your letter of September 23, you refer to "the basic and fundamental principles embodied in the Lahore resolution" and ask me to accept them. Surely this is unnecessary when, I feel, I have accepted the concrete consequence that should follow from such acceptance.

[1] *Ibid.,* pp. 26-27.

(iv) **Letter from M.A. Jinnah to M.K. Gandhi**[1]
25 *September* 1944

. . . Now let me take your main terms:-

(*a*) "I proceed on the assumption that India is not to be regarded as two or more nations but as one family consisting of many members of whom the Muslims living in the north-west zones, *i.e.*, Baluchistan, Sind, North-West Frontier Province and that part of the Punjab where they are in *absolute* majority over all the other elemements and in parts of Bengal and Assam where they are in absolute majority, desire to live in separation from the rets of India." If this term were accepted and given effect to, the present boundaries of these provinces would be maimed and mutilated beyond redemption and leave us only with the husk and it is opposed to the Lahore resolution.

(*b*) That even in those mutilated areas so defined, the right of self-determination will not be exercised by the Muslims but by the inahabitants of those areas so demarcated. This again is opposed to the fundamentals of the Lahore resolution.

(*c*) That if the vote is in favour of separation they shall be allowed to "form a separate State as soon as possible after India is free from foreign domination." Whereas we propose that we should come to a complete settlement of our own immediately, and by our united front and efforts do everything in our power to secure the freedom and independence of the peoples of India on the basis of Pakistan and Hindustan.

(*d*) Next you say, "There shall be a treaty of separation which should also provide for the efficient and satisfactory administration of foreign affairs, defence, internal communications, customs, commerce, and the like, which must necessarily continue to be matters of common interest between the contracting parties." If these vital matters are to be administered by some Central authority, you do not indicate what sort of authority or machinery will be set up to administer these matters, and how and to whom again that authority will be responsible. According to the Lahore resolution, as I have already explained to you, all these matters, which are the life-blood of any State, cannot be delegated to any Central authority or government. The matter of security of the two States and the natural and mutual obligations that may arise out of physical contiguity will be for the constitution-making body of Pakistan and that of Hindustan, or other party concerned, to deal with on the footing of their being two independent States. As regards the safeguarding of the rights of minorities, I have already explained that this question of safeguarding the minorities is fully stated in the Lahore resolution.

You will therefore see that the entire basis of your new proposal is fundamentally opposed to the Lahore resolution, and as I have already pointed out to you, both in the correspondence and in our discussions, it is very difficult for me to entertain counter-proposals and negotiate and reach any agreement or settlement with you as an individual, unless they come from you in your representative

[1] *Ibid*., p. 29-31.

capacity. There was the same difficulty with regard to the Gandhi-Rajaji formula, and I made it clear to you at the very outset, but the formula was discussed as you asserted that it had met the Lahore resolution in substance, but while you were furnishing me with the clarification of this formula, you shunted it and we confined ourselves to the Lahore resolution, and hence the question of your representative capacity did not arise regarding this formula. But now you have in your letter of September 24, made a new proposal of your own on your own basis, and the same difficulties present themselves to me as before, and it is difficult to deal with it any further unless it comes from you in your representative capacity.

I cannot agree with you when you finally wind up by saying: "In your letter of September 23, you refer to the 'basic and fundamental principles embodied in the Lahore resolution' and ask me to accept them. Surely, this is unnecessary when, as I feel, I have accepted the concrete consequence that should follow from such acceptance." This is absolutely far from correct. Why not then accept the fundamentals of the Lahore resolution and proceed to settle the details?

35. Liaquat Ali Khan on Gandhi-Jinnah Talks[1]

On April 8, 1944, Mr. C. Rajagopalachari sent a letter to Mr. Jinnah enclosing what is called the Rajaji formula which he described as "the basis for a settlement which I discussed with Gandhiji in March 1943, and of which he expressed full approval". It was followed by another letter in which Mr. Rajagopalachari expressed disappointment that the President of the Muslim League was unable to approve of the terms. The fact was that Mr. Jinnah expressed his willingness to place the formula before the Working Committee of the Muslim League as he could not individually take the responsibility of accepting or rejecting it. Here it may be noted that the formula was not open to discussion or any modification. Mr. Rajagopalachari would not agree to such a perfectly constitutional course, but strangely enough on July 4, 1944 he sent a telegram to Mr. Jinnah from Panchgani alleging that the formula had been rejected by the President of the Muslim League. At that time the Mahatma was recuperating at Panchgani and Mr. Jinnah was having a spell of rest, after eight years of unremitting work for the cause of the Muslims without a single holiday. In reply to the telegram, Mr. Jinnah wired to Mr. Rajagopalachari at Panchgani that he could not go beyond the message of July 2 reiterating his former view that he should be allowed by the proposer of the fomula, namely Mr. C. Rajagopalachari to consult the Working Committee of the Muslim League. As to how and why such a course should be deemed objectionable by Mr. Gandhi and Mr. C. Rajagopalachari who were in constant consultations, it is not for me to judge, but the procedure suggested by the President of the Muslim League was only right and proper.

On the day of the receipt of the telegram from Srinagar, Mr. Rajagopalachari released the correspondence and informed Mr. Jinnah that private negotiations had ended and that it was necessary to take the public into confidence. The

[1]From his Foreword to *Jinnah-Gandhi Talks* (September, 1944), Central Office, All-India Muslim League, Delhi, November, 1944, pp. a-g.

formula approved by Mr. Gandhi had remained with his collaborator for more than a year like a dead secret. Meanwhile, there was another significant move of Mr. Gandhi *vis-a-vis* the Viceroy to reach an understanding, a move which was not revealed to Mr. Jinnah as the parallel correspondence with him was in progress. Let us see how Mr. Gandhi's overtures to the Viceroy were timed.

It will be remembered that Mr. Gandhi arranged an interview with Mr. Stuart Gelder, correspondent of the *News Chronicle,* in which he gave his views on the situation for the indirect edification of Lord Wavell. This correspondent was to be an intermediary between the Congress dictator and the Viceroy just as another Englishman, Mr. Reginald Reynolds, had been engaged to carry a letter from Mr. Gandhi to the then Viceroy, Lord Irwin. Instead of using the post office, Mr. Gandhi preferred this courier system which undoubtedly adds to the luster of Congress publicity. What happened was that the Gelder move "misfired"—the Mahatma's word—whereupon Mr. Gandhi wrote on July 15 from Panchgani to the Viceroy calling Lord Wavell's attention to the Stuart Gelder affair. Lord Wavell replied in a letter dated July 22 asking the Mahatma for a definite and constructive policy for His Excellency to consider. Five days later, on July 27, 1944, Mr. Gandhi replied stating that the time had come, at last, for friendly talks. Next, on August 15, 1944 (nineteen days after the despatch of Mr. Gandhi's letter) Lord Wavell sent his answer containing a statement of Government policy as against Mr. Gandhi's "concrete proposal of a National Government" responsible to the elected members of the Assembly, the majority of whom are Hindus. In other words, there was no change. My surmise is that in the long interval the Viceroy must have contacted Whitehall to formulate the policy stated in the letter under reference. It is parallel to this private correspondence with Lord Wavell which was hid from Mr. Jinnah's eyes that a brief exchange of letters took place between Mr. Gandhi and the President of the Muslim League. Mark the dates again. On July 17, Mr. Gandhi writes from Panchgani to Mr. Jinnah at Srinagar a letter accompanied by a translation in Urdu. It said that the two should meet. Upon the receipt of the letter, Mr. Jinnah replied that he would be glad to receive him at his house in Bombay and that immediately on his return from Srinagar he would suggest a convenient time. Later Mr. Jinnah informed him from Bombay that August 19 would be suitable but unfortunately he took ill and his doctors forbade him against undertaking any work involving strain. The matter was promptly conveyed to Sevagram and later September 9 was fixed for the first meeting which took place according to the scheduled time.

Meanwhile Mr. Jinnah had at the meeting of the Council of the League at Lahore publicly examined the contents of Rajaji's formula pointing out how the proposal was a disfigured caricature of the Pakistan idea, but he welcomed the intimation of Mr. Gandhi that he had agreed to the division of India. The progress of the talks was fortunately brought on record at the suggestion of Mr. Gandhi that letters had better be exchanged for purposes of record and clarification. I give important dates in this story of concurrent correspondence:

Dateline	*Subject Matter*
Panchgani, July 15,	Stuart Gelder's story and the suggestion

Dateline	*Subject Matter*
Gandhi to Wavell	that Mr. Gandhi should be allowed to contact his colleagues in the detention camp or outside.
Panchgani, July 17, Gandhi to Jinnah	"We must meet."
New Delhi, July 22, Wavell to Gandhi	Asking for definite and constructive policy.
Srinagar, July 24, Jinnah to Gandhi	Consenting to meet.
Panchgani, July 27, Gandhi to Wavell	Asks for friendly talks with Viceroy making concrete proposals.
New Delhi, August 15, Wavell to Gandhi	"Banging the door" as the Congress Press put it.
August 19	Date for interview originally fixed.
September 9	Gandhi-Jinnah talks begin.

The inference is clear that while wooing Lord Wavell, Mr. Gandhi was also alive to the impression it could create once it was known that the Gandhi-Jinnah talks *might* result in a Hindu-Muslim settlement, thus opening a new phase of concerted action both by the Hindus and the Muslims to demand the transfer of power from the British Government. The prospect of a Hindu-Muslim concordat is the only nightmare which British diehards and vested interests could ever have in respect of India, since they could not thereafter trade on the plea of Hindu-Muslim disunity in the country. The dates indicate that Mr. Gandhi wished Lord Wavell to know that if a friendly response to his advances did not materialise, he would form an alliance with the Muslim League which had been foreshadowed by his acceptance of the C.R. formula which stood for the division of India as principle and policy. With the new statement of policy contained in the Viceroy's letter of August 15, 1944, which had already become a public document, Mr. Gandhi found himself left high and dry by the British Government, but his commitment to meet Mr. Jinnah at Bombay on August 19 remained....

36. Draft Desai-Liaquat Pact[1]

The Congress and the League agree that they will join in forming an

[1]Sir Francis Low (Ed.), *The Indian Year-Book* 1945-46, Bennett, Coleman & Co., Ltd., Bombay, pp. 876-877.

(These private and confidential proposals were given in January 1945 to Nawabzada Liaquat Ali Khan by Bhulabhai J. Desai and were to serve as a basis for the latter's efforts to bring about a change in the composition of the Government of India. Ed.)

Interim Government in the Centre. The composition of such Government will be on the following lines:

(*a*) An equal number of persons nominated by the Congress and the League in the Central Executive (the persons nominated need not be members of the Central Legislature);

(*b*) Represenatatives of minorities (in particular the Scheduled Castes and the Sikhs);

(*c*) The Commander-in-Chief.

The Government will be formed and function within the framework of the existing Government of India Act. It is, however, understood that, if the Cabinet cannot get a particular measure passed by the Legislative Assembly, they will not enforce the same by resort to any of the reserve powers of the Governor-General or the Viceroy. This will make them sufficiently independent of the Governor-General.

It is agreed between the Congress and the League that, if such Interim Government is formed, their first step would be to release the Working Committee members of the Congress.

The steps by which efforts would be made to achieve this end are at present indicated to take the following course:

On the basis of the understanding, some way should be found to get the Governor-General to make a proposal or a suggestion that he desires an interim Government to be formed in the Centre on the agreement between the Congress and the League and when the Governor-General invites Mr Jinnah and Mr. Desai either jointly or separately, the above proposals would be made declaring that they are prepared to join in forming the Government.

The next step would be to get the withdrawal of Section 93 in the provinces and to form as soon as possible provincial Governments on the lines of a coalition.

37. Lord Wavell on his Proposal for a Conference of Indian Leaders[1]

14 *June* 1945

I have been authorised by His Majesty's Government to place before Indian political leaders proposals designed to ease the present political situation and to advance India towards her goal of full self-government. These proposals are at the present moment being explained to Parliament by the Secretary of State for India. My intention in this broadcast is to explain to you the proposals, the ideas underlying them, and the method by which I hope to put them into effect.

This is not an attempt to obtain or impose a constitutional settlement. His Majesty's Government had hoped that the leaders of the Indian parties would agree amongst themselves on a settlement of the communal issue, which is the main stumbling block, but this hope has not been fulfilled.

[1]Sir Francis Low (Ed.), *The Indian Year-Book* 1947, Bennett, Coleman & Co., Ltd., Bombay, pp. 882-884.

In the meantime, India has great opportunities to be taken and great problems to be solved, which require a common effort by the leading men of all parties. I, therefore, propose with the full support of His Majesty's Government to invite leaders, both of Central and provincial politics, to take counsel with me with a view to the formation of a new Executive Council more representative of organised political opinion.

The proposed new Council would represent the main communities and would include equal proportions of Caste Hindus and Muslims. It would work, if formed, under the existing constitution. But it would be an entirely Indian Council except for the Viceroy and the Commander-in-Chief who would retain his position as War Member. It is also proposed that the portfolio of External Affairs, which has hitherto been held by the Viceroy, should be placed in charge of an Indian Member of the Council, so far as the interests of British India are concerned.

A further step proposed by His Majesty's Government is the appointment of a British High Commissioner in India, as in the Dominions, to represent Great Britain's commercial and other such interests in India.

Such a new Executive Council will, you realise, represent a definite advance on the road to self-government. It will be almost entirely Indian and the Finance and Home Members will for the first time be Indians, while an Indian will also be charged with the management of India's foreign affairs. Moreover, the Members will now be selected by the Governor-General after consultation with political leaders, though their appointment will, of course, be subject to the approval of His Majesty the King Emperor.

The Council will work within the framework of the present constitution and there can be no question of the Governor-General agreeing not to exercise his constitutional power of control; but it will, of course, not be exercised unreasonably.

I should make it clear that the formation of this Interim Government will in no way prejudice the final constitutional settlement.

The main tasks of this new Executive Council would be:

(1) To prosecute the war against Japan with the utmost energy till Japan is utterly defeated;

(2) To carry on the government of British India, with all the manifold tasks of post-war development in front of it, until a new permanent constitution can be agreed upon and come into force; and

(3) To consider when the Members of the Government think it possible, the means by which such agreement can be achieved. The third task is the most important. I want to make it quite clear that neither I nor His Majesty's Government have lost sight of the need for a long-term solution, and that the present proposals are intended to make a long-term solution easier.

I have considered the best means of forming such a Council; and have decided to invite the following to the Viceregal Lodge to advise me:

Those now holding office as Premier in a provincial Government, or, for Provinces now under Section 93 Government, those who last held the office of Premier;

The Leader of the Congress Party and the Deputy Leader of the Muslim League in the Central Assemlby; the Leaders of the Congress Party and the Muslim League in the Council of State; also the Leaders of the Nationalist Party and the European Group in the Assembly;

Mr. Gandhi and Mr. Jinnah as the recognised leaders of the two main political parties;

Rao Bahadur N. Siva Raj, to represent the Scheduled Classes, and Master Tara Singh to represent the Sikhs.

Invitations to these gentlemen are being handed to them today and it is proposed to assemble the Conference on June 25 at Simla where we shall be cooler than at Delhi.

I trust that all those invited will attend the Conference and give me their help. On me and on them will lie a heavy responsibility in this fresh attempt to make progress towards the final settlement of India's future.

If the meeting is successful, I hope that we shall be able to agree on the formation of the new Executive Council at the Centre.

I also hope that it will be possible for Ministries to re-assume office and again undertake the tasks of Government in the provinces now administered under Section 93 of the Constitution Act and that these Ministries will be coalitions.

If the meeting should unfortunately fail, we must carry on as at present until the parties are ready to come together. The existing Executive Council, which has done such valuable work for India, will continue, if other arrangements cannot be agreed to.

But I have every hope that the meeting will succeed, if the party leaders will approach the problem with the sincere intention of working with me and with each other.

I can assure them that there is behind the proposal a most genuine desire on the part of all responsible leaders in the United Kingdom and of the British people as a whole to help India towards her goal. I believe that this is more than a step towards that goal: it is a considerable stride forward, and a stride on the right path.

I should make it clear that these proposals affect British India only and do not make any alteration in the relations of the Princes with the Crown Representative.

With the approval of His Majesty's Government and after consultations with my Council, orders have been given for the immediate release of the members of the Working Committee of the Congress who are still in detention. I propose to leave the final decision about the others still under detention as the result of the 1942 disturbances to the new Central Government, if formed, and to the provincial Governments.

The appropriate time for fresh elections to the Central and provincial Legislatures will be discussed at the Conference.

Finally, I would ask you all to help in creating the atmosphere of goodwill and mutual confidence that is essential if we are to make progress. The destiny of this great country and of the many millions who live in it depend on the wisdom

and good understanding of the leaders, both of action and of thought, British and Indian, at this critical moment of India's history.

India's military reputation never stood higher in the world than it does at present, thanks to the exploits of her sons drawn from all parts of the country. Her representatives at international conferences have won high regard for their statesmanlike attitude. Sympathy for India's aspirations and progress towards prosperity was never greater or more widespread.

We have thus great assets, if we can use them wisely. But it will not be easy, it will not be quick. There is very much to do. There are many pitfalls and dangers. There is on all sides something to forgive and forget.

I believe in the future of India and,as far as in me lies, will further her greatness. I ask you all for your co-operation and goodwill.

38. Congress List for the Proposed Executive Council[1]

1. Maulana Abul Kalam Azad (Congress Muslim)
2. Asaf Ali (Congress Muslim)
3. Pandit Jawaharlal Nehru (Congress Hindu)
4. Sardar Vallabhbhai Patel (Congress Hindu)
5. Dr. Rajendra Prasad (Congress Hindu)
6. M. A. Jinnah (Muslim League)
7. Nawab Mohammad Ismail Khan (Muslim League)
8. Nawabzada Liaquat Ali Khan (Muslim League)
9. Dr. Shyamaprasad Mookerji (Hindu Mahasabha)
10. Gaganvihari Mehta (Hindu)
11. Rajkumari Amrit Kaur (Woman, Indian Christian)
12. Muniswami Pillay (Scheduled Class)
13. Radhanath Das (Scheduled Class)
14. Sir Ardeshir Dalal (Parsi)
15. A Sikh member (name to be submitted later)

39. V.P. Menon on Wavell-Jinnah Meeting[2]

. . . He [Lord Wavell] saw Jinnah on the afternoon of 11 July [1945] and told him that he was prepared to include four members of the Muslim League, but that the fifth place would have to go to a Punjabi Muslim who did not belong to the League. He gave Jinnah the names of the Muslims included in his selections and said that, if Jinnah wished to substitute other League members for the four he had chosen, he would consider his suggestions. He would indeed be glad if Jinnah

[1] Pyarelal, *Mahatma Gandhi—The Last Phase*, Volume I, Navajivan Publishing House, Ahmedabad, February 1956, p. 135.

[2] *The Transfer of Power in India*, Orient Longmans, Calcutta, 1957, pp. 206-207.

himself would agree to serve. He made it clear that with his selections there would be parity not only between Hindus and Muslims, but between the Congress and the League. The Viceroy finally added that he had not yet consulted the Congress, who might possibly not accept the arrangement he proposed.

Jinnah said at once that it was impossible for the Muslim League to co-operate unless (*a*) all five Muslim members of the Council were taken from the League, and (*b*) the Governor-General's power of veto was reinforced by a special safeguard for the Muslims within the Council. *e.g.* a provision that no decision objected to by the Muslims should be taken except by a clear two-thirds majority, or something of the kind.

The Viceroy said that he could not accept either of these conditions. Jinnah replied that if that were so, the Muslim League could not co-operate. He said that his Working Committee appreciated the sincerity of the Viceroy's intentions and realized that members of the League, by taking office, could have done much for the Muslims of India. On the other hand, the Working Committee could not abandon certain fundamental principles. The Viceroy thereupon informed Jinnah that this meant failure of his efforts, and that he would make a statement to that effect to the Conference on 14 July.

Soon after his talk with Jinnah, Lord Wavell sent for Sir Francis Mudie (the Home Member), Sir Evans Jenkins and myself and informed us that he had been in communication with the Secretary of State and that it had been decided that the proposals should not be proceeded with. I personally was terribly disappointed, for I had been pressing consistently on the Viceroy that Jinnah's claim that the Muslim League represented the will of all the Muslims of India was quite untenable; that we could not let down the Unionist Party which alone, contrary to the League's claims, could speak for the Punjab; that in the interests of the Punjab we should not compromise with the League, but should go ahead with our plans. My argument was that if we conceded Jinnah's claims, we should logically be conceding his demand for Pakistan. Even on that basis, the Muslim League should not be entitled to a greater standing than that which was due to a future State of Pakistan—which could not possibly claim to represent the millions of non-Muslims in the non-Pakistan areas of India. But the decision not to proceed with the proposals, we were told, was final and there was nothing more to be said.

40. M.A. Jinnah on Lord Wavell's Proposals[1]

. . . Our stand has been, and we have repeatedly made it clear to the British Government times out of number since 1940, that we cannot consider or enter into any provisional interim Government unless a declaration is made by the British Government guaranteeing the right of self-determination of Muslims, and pledging that, after the war, or so soon as it may be possible, the British Government would establish Pakistan having regard to the basic principles laid down in the Lahore resolution of the Muslim League, passed in March 1940.

[1]Sir Francis Low (Ed.), *The Indian Year-Book* 1945-46, Bennett, Coleman & Co., Ltd., Bombay, p. 887.

This was the condition No. 1 precedent to our considering any provisional arrangement. Condition No. 2 was that we are not a minority but a nation, and we can only enter into a provisional arrangement, having regard to the necessities and exigencies of the moment created by the war, and fully co-operate in the prosecution of the war, and that in any arrangement we claimed an equal number in the proposed Executive.

The Wavell proposals set at nought both these conditions and called upon us to make the severest sacrifice. I know, in his broadcast, he said these proposals are without prejudice to any future constitution or constitutions of India. While in one breath it is impressed upon us that these proposals are without prejudice to and do not prejudge the Pakistan issue, yet the plan in fact contradicts this in the next breath by its very terms.

It is obvious to any intelligent man that, if we accept this arrangement, the Pakistan issue will be shelved and put into cold storage indefinitely, whereas the Congress will have secured under this arrangement what they want, namely, a clear road for their advance towards securing Hindu national independence of India, because the future Executive will work as a unitary Government of India, and we know that this interim or provisional arrangement will have a way of settling down for an unlimited period, and all the forces in the proposed Executive, plus the known policy of the British Government and Lord Wavell's strong inclination for a united India, would completely jeopardise us . . . .

Next, in the proposed Executive, we would be reduced to a minority of one-third. All the other minorities such as the Scheduled Castes, Sikhs and Christians have the same goal as the Congress. They have their grievances as minorities but their goal and ideology is and cannot be different from or otherwise than that of a united India. Ethnically and culturally they are very closely knitted to Hindu society.

I am not against full justice being done to all the minorities, and they should be fully safeguarded and protected as such, wherever they may be. But in actual working and practice, inevitably their vote will be against us, and there is no safeguard for us except the Viceroy's veto which, it is well known to any constitutionalist, cannot be exercised lightly as an everyday business against majority decisions with regard to the policy and the principles that will have to be laid down and measures adopted, both administrative and legislative.

On the top of this came the last straw on the camel's back—that even about the five members of the Muslim bloc which were allotted to us community-wise, which is the essence of the Wavell proposals, we were told that the Muslim League was not entitled to nominate all the Muslim representatives as our chosen spokesmen, and there were two claimants—the Congress which claimed two, and Glancy-Khizar, on behalf of the Punjab, claimed one . . . .

But finally we broke as Lord Wavell insisted upon his having one non-Leaguer nominee of Malik Khizar Hyat representing the Punjab Muslims. As I have said, it is only the blind who cannot see that the All-India Muslim League is the only authoritative representative organisation of the Mussalmans. If we had accepted this position as presented to us by Lord Wavell, we would have emerged out of this conference minus everything and we would have entirely betrayed

our people. It would have been an abject surrender on our part of all we stand for, and it would have been the death-knell of the Muslim League. This was the position which faced us and we found that it was impossible for us to accept this arrangement.

41. Nicholas Mansergh on Jinnah's Stand[1]

Behind the disputes about representation lay the bigger question of 'whether we are to have a constitution or constitutions', and that, said Jinnah on 30 June, must 'be settled first'.[2] His insistence on this being done, if anything had become sharper, for, in his own words, 'the combination consisting of Gandhi and Hindu Congress, who stand for India's Hindu national independence as one India' had been reinforced at Simla by 'the latest exponent of geographical unity, Lord Wavell'.[3] If Congress designs thus ominously backed by the imperial power were to be frustrated there could be no question, in Jinnah's view, of the secession of a Muslim State from an independent India; from the outset there must be two independent States. 'Pakistan', Gandhi had written as long ago as 1940,[4] cannot be worse than the foreign domination.' But Hindustan, in Jinnah's eyes, could and would be worse. He was, therefore, prepared to let independence wait upon division, while the Congress was not prepared to let independence wait upon unity.

42. Penderel Moon on the Formation of the Punjab Ministry[5]

. . . In every Punjab Ministry since the first beginnings of provincial self-government the Muslims had played the leading part, as their numbers entitled them to do. Now for the first time, on the eve of independence, a predominantly non-Muslim Government was being installed in power. The Muslim League, fresh from their triumph at the elections and fully expecting to form a Ministry themselves, found themselves totally excluded by an undreamed of combination of Congress banias, Khizar and the Sikhs. Not only the League but the whole Muslim community felt outraged and affronted. This unnatural and unholy alliance seemed to have been designed, with the connivance of the British Governor, simply to keep them from power . . . .

It was amazing that the Governor [Sir Bertrand Glancy] acquiesced without the slightest struggle in the formation of a Ministry so harmful to the public interests. But it had become easy and fashionable in these days to evade responsibility on the plea of constitutionalism. His apologists have certainly taken this plea and pointed out that since Khizar was willing and able to form a Ministry, he had no option,

[1] *Survey of British Commonwealth Affairs: Problems of Wartime Co-operation and Post-War Change 1939-1952*, Oxford University Press, London, 1958, p. 209.

[2] Lumby, *Transfer of Power*, pp. 54 ff.; and see also for the background to this, Bolitho, *Jinnah*, pp. 150-1.

[3] Quoted in Tendulkar, *Mahatama*, vii, 13.

[4] *Ibid.*, v. 338.

[5] *Divide and Quit*, Chatto & Windus, London, 1964, pp. 71-73.

as a constitutional Governor, but to let him do so. True, yet utterly removed from the real truth. For Khizar was no stranger with whom it might be necessary for him to stand on ceremony. From the day he assumed office as Governor in April 1941 he and Khizar had been in almost daily contact. Though as a constitutional Governor he was bound in the last resort to let Khizar form a Ministry if he so insisted, there was nothing to preclude him from talking to Khizar as man to man and throwing all the weight of his influence and advice against such a course. In view of Khizar's own hesitations a few words of discouragement from the Governor, who was known to be his well-wisher, must have turned the scale against it. But the words were not spoken. The Governor took the easy, strictly constitutional line of least resistance and left his successor, who took office a few weeks later, and the province at large to reap the consequences.

III. THE CABINET MISSION PLAN

Introductory Note: As a result of the General Election held in Britain in the summer of 1945, the Labour Party came to power. The new Government sent a Mission of three Cabinet Ministers to India to devise a scheme for the transfer of power to the Indians. The brain behind the Mission was Sir Stafford Cripps, a known sympathiser of the Indian Congress.

The scheme devised by the Mission rejected the Muslim League demand for a separate sovereign State for the Muslims and proposed a three-tier constitution: (*a*) a Central Government dealing with only three subjects, Defence, Foreign Affairs, and Communications, (*b*) three Group Governments dealing with such subjects as the Provinces in the respective Groups may wish to handle jointly, and (*c*) Provincial Governments dealing with all the other subjects.

In spite of the fact that the Mission clarified several times its intention about the procedure to be followed in the formation of the Groups of Provinces, the Congress continued to put a different interpretation on it. The Government of India took one concrete step to ensure that the Cabinet Mission's interpretation about the Groups would be accepted by those elected to the constitution-making body. Thereupon the Congress Working Committee decided to reject the Cabinet Mission plan. This decision was informally brought to the notice of the Cabinet Mission. A private meeting was then held between the British Ministers and the Congress leaders at which certain understandings were reached, on the basis of which the Congress decided to accept the Mission's Plan.

These understandings encouraged the Congress leaders to put their own interpretation on the other clauses of the Plan also. In fact the Congress President said on 10 July 1946: "We have agreed to go into (the Constituent Assembly) and we have agreed to nothing else.... We have committed ourselves (on) no single matter to anybody." Thereupon the Muslim League withdrew its acceptance of the Cabinet Mission Plan.

Later, in December 1946, the British Government, in an effort to save the Mission's Plan, invited the Indian leaders to London and urged the Congress leaders to accept the Mission's interpretation of the grouping clause. The Congress reluctantly accepted the Mission's interpretation but said that this should not mean "any compulsion of a Province" in the Sections. In the meanwhile large scale communal riots had taken place in various parts of India in which the Muslims suffered very heavily. In the result the Muslim League leaders did not think it prudent to rely on the statements of the Congress leaders and the Plan had soon to be abandoned.

1. Nicholas Mansergh on the Impact of the British General Election on India[1]

The elections planned to take place in India in 1946 were, however, less important for the future of the subcontinent than the British general election already held in the summer of 1945. It was perhaps significant that twice as many Labour as Conservative candidates alluded to India in their election addresses though, in each instance the proportion of the total was small.[2] Among those who made such particular allusion on the Labour side were Mr Pethick-Lawrence, who was to serve as Secretary of State in Mr Attlee's administration and who declared that India must attain full self-government in friendly association with Britain at the earliest possbile date, and Sir Stafford Cripps, who informed the electors of Bristol East that in 1942 he had gone to India with their good wishes as the representative of the British people.[3] The Labour Party's landslide victory meant for India very much what the Liberal victory forty years earlier had meant for the Boer republics. Henceforward India's leaders could rely not only on an assurance that self-government was the goal of British rule, but also upon sympathetic understanding of their desire for its early attainment. The Labour party, long since pledged to India's independence, was now triumphantly returned to office for the first time with a clear majority over all other parties, and its resolve to give effect to this point in its programme was beyond question. Where the predominant Conservative approach to Indian self-government in the last phase of British rule was one of reluctant acquiescence, the predominant Labour attitude was one of tempered optimism.

The accession of the Labour Party to office in Britain had another consequence. Its political bias, its belief in centralization and planning, its concept of a socialist state, all predisposed its leaders in favour of the aspirations of the left wing of the Congress, and made them if not antipathetic, at least allergic to Muslim League demands for partition and a separate Muslim state. The traditionalist outlook of so many members of the Muslim League High Command did nothing to qualify a reaction founded in instint and reinforced in many instances by personal friendships between British Labour and Indian Congress leaders. While Con-

[1] *Survey of British Commonwealth Affairs: Problems of Wartime Co-operation and Post-War Change* 1939-1952, Oxford University Press, London, 1958, pp. 209-211.

[2] R.B. McCallum and Alison Readman, *The British General Election of* 1945, (London, Oxford University Press, 1947), pp. 98-99.

[3] *Ibid.*, pp. 112-113.

servative government, and the English ruling classes, distrusting the more volatile intellectual Hindu, understood better the outlook and way of life of the Muslims, and thought of them as the principal of India's martial races and, in Lord Cranborne's words, as 'our best friends in that country',[1] the Labour party leadership at the least felt a closer affinity to the more intellectual and more progressive elements in the Congress. The importance of this, subsequently much exaggerated in Pakistan, was none the less real. In the last phase of British rule the concern of the rulers was to hand over responsibility for a united India to an Indian government. The whole bias of their minds was against partition on economic and social as much as on political grounds; they were notably less sympathetic to princely pretensions than their Conservative opponents; and, far from wishing to 'divide and rule', they wished to unite and abdicate. In turn this meant on the one hand that the Muslim League demand for Pakistan had to be impressed upon those unwilling to be convinced, and on the other that the cause of Indian unity at the least would not go by default. By 1947 some Congressmen had begun to think and to speak not of the British but of the Muslims as the 'third party' in India without whom settlement would be easy. A 'third party' numbering some 80 million souls was not, however, easily wished out of existence.

2. Statement by Lord Pethick-Lawrence on the Proposed Cabinet Mission to India[2]

19 *February* 1946

The House will recall that on 19th September 1945, on his return to India after discussions with the British Government, the Viceroy made a statement of policy in the course of which he outlined the positive steps to be taken immediately after the Central and Provincial elections to promote, in conjunction with leaders of Indian opinion, early realisation of full self-government in India.

Those steps include: first, preparatory discussions with elected representatives of British India and with Indian States in order to secure the widest measure of agreement as to the method of framing a constitution; second, the setting up of a constitution-making body; and, third, the bringing into being of an Executive Council having the support of the main Indian parties.

Elections at the Centre were held at the end of last year and in some of the Provinces they are also over and responsible Governments are in the process of formation. In other provinces polling dates are spread over the next few weeks. With the approach of the end of the electoral campaign, the British Government have been considering the most fruitful method of giving effect to the programme to which I have referred.

In view of the paramount importance, not only to India and to the British Commonwealth, but to the peace of the world, of a successful outcome of discussions with leaders of Indian opinion, the British Government have decided, with the

[1] H. of L. Deb., Vol. 145, col. 1051.
[2] Nripendra Nath Mitra (Ed.), *The Indian Annual Register*, January-June 1946, pp. 129. (This statement was made in the House of Lords. Ed.)

approval of His Majesty the King, to send out to India a special Mission of Cabinet Ministers consisting of the Secretary of State for India (Lord Pethick-Lawrence), the President of the Board of Trade (Sir Stafford Cripps) and the First Lord of the Admiralty (Mr. A.V. Alexander) to act in association with the Viceroy in this matter.

3. C. R. Attlee on the Rights of Minorities[1]

15 *March* 1946

We should be conscious that the British have done a great work in India. We have united India and given her that sense of nationality which she so very largely lacked over the previous centuries. She has learnt from us principles of democracy and justice. When Indians attack our rule, they base their attack not on Indian principles, but on the basis of standards derived from Britain. I was very struck the other day in the United States, at a dinner where I met a number of distinguished Americans, including a very distinguished Indian, where the talk was turning on the way in which principles worked out here have been applied on the continent of America. It was pointed out that America had a great heritage from Britain. My Indian friend said to me, "You know, the Americans sometimes forget there is another great nation that has also inherited these principles and traditions, and that is India. We feel that we have a duty, a right and a privilege because we also bring to the world and work those very principles that you evolved in Britain."

I am well aware, when I speak of India, that I speak of a country containing a congeries of races, religions and languages, and I know well all the difficulties thereby created. But those difficulties can only be overcome by Indians. We are very mindful of the rights of minorities and minorities should be able to live free from fear. On the other hand, we cannot allow a minority to place a veto on the advance of the majority.

4. Michael Edwardes on Attlee's Statement[2]

...To Indians it seemed that the British government at last was serious. To reinforce this impression, Attlee announced that the mission's purpose was to set up a constitution-making body and a representative Executive Council. They would take to India with them no British proposals for the form of the constitution—that was for Indians themselves to decide, without interference. Furthermore, there was now no question of dominion status. If Indians wanted to remain within the Commonwealth, it was to be their choice and theirs alone.

Among these unambiguous statements, one cryptic remark was to stand out like a sore thumb, and it is not too fanciful to say that it provided one of the reasons for the mission's failure. "We are very mindful," said Attlee, "of the rights

[1]From speech in the House of Commons, Parliamentary Debates, Fifth Series—Volume 420, cols. 1421-1422.

[2]*The Last Years of British India*, Cassell, London, 1963, pp. 101-102.

of minorities and minorities should be able to live free from fear. *On the other hand, we cannot allow a minority to place a veto on the advance of the majority.*" If this had any meaning at all, it was directed against the Muslim League. 'The issue is, to give a simile,' Jinnah remarked, 'walk into my parlour, said the spider to the fly, and if the fly refuses it is said that a veto is being exercised and the fly is being intransigent.' Did the British Government still think of the Muslims as a minority, when for all these years Jinnah had been proclaiming that they were a nation? The mission, on the day after its arrival in India, tried to eradicate this unfortunate impression, but is it doubtful whether they succeeded in doing so.

5. Resolution of the Muslim League Legislators' Convention on the Pakistan Demand[1]

9 *April* 1946

Whereas, in this vast sub-continent of India, a hundred million Muslims are the adherents of a faith which regulates every department of their life (educational, social, economic and political), whose code is not confined merely to spiritual doctrines and tenets or rituals and ceremonies and which stands in sharp contrast to the exclusive nature of Hindu *dharma* and philosophy which has fostered and maintained for thousands of years a rigid caste system resulting in the degradation of 60 million human beings to the position of untouchables, creation of unnatural barriers between man and man and superimposition of social and economic inequalities on a large body of the people of this country, and which threatens to reduce Muslims, Christians and other minorities to the status of irredeemable helots, socially and economically;

whereas the Hindu caste system is a direct negation of nationalism, equality, democracy and all (the) noble ideas that Islam stands for;

whereas different historical backgrounds, traditions, cultures, social and economic orders of the Hindus and Muslims have made impossible the evolution of a single Indian nation inspired by common aspirations and ideals and whereas after centuries they still remain two distinct major nations;

whereas, soon after the introduction by the British of the policy of setting up political institutions in India on the lines of Western democracies based on majority rule, which meant that the majority of one nation or society could impose its will on the majority of the other nation or society in spite of their opposition, as was amply demonstrated during the two and a half years' regime of Congress Governments in the Hindu-majority provinces under the Government of India Act, 1935, when the Muslims were subjected to untold harrassment and oppression as a result of which they were convinced of the futility and ineffectiveness of the so-called safeguards provided in the Constitution and in the Instrument of Instructions to the Governors and were driven to the irresistible conclusion that in a united Indian Federation, if established, the Muslims, even in majority provinces,

[1]Resolutions of the All India Muslim League from January 1944 to December 1946, published by Mr. Liaquat Ali Khan, M.A. (Oxon), Honorary Secretary, All India Muslim League, pp. 45-47.

would meet with no better fate and their rights and interests could never be adequately protected against the perpetual Hindu majority at the Centre;

whereas the Muslims are convinced that with a view to save Muslim India from the domination of the Hindus and in order to afford them full scope to develop themselves according to their genius, it is necessary to constitute a sovereign independent State, comprising Bengal and Assam in the North-East zone and the Punjab, North-West Frontier Province, Sind and Baluchistan in the North-West zone;

This Convention of the Muslim League Legislators of India, Central and Provincial, after careful consideration hereby declares that the Muslim Nation will never submit to any Constitution for a United India and will never participate in any single constitution-making machinery set up for the purpose, and that any formula devised by the British Government for transferring power from the British to the peoples of India, which does not conform to the following just and equitable principles calculated to maintain internal peace and tranquillity in the country, will not contribute to the solution of the Indian problem;

1. That the zones comprising Bengal and Assam in the North-East and the Punjab, North-West Frontier Province, Sind and Baluchistan in the North-West of India, namely, Pakistan zones, where the Muslims are in a dominant majority, be constituted into a sovereign independent State and that an unequivocal undertaking be given to implement the establishment of Pakistan without delay;

2. That two separate constitution-making bodies be set up by (the) peoples of Pakistan and Hindustan for the purpose of framing their respective constitutions;

3. That the minorities in Pakistan and Hindustan be provided with safeguards on the lines of the All-India Muslim League resolution passed on the 23 rd March 1940, at Lahore;

4. That the acceptance of the Muslim League demand of Pakistan and its implementation without delay are the *sine qua non* for the Muslim League co-operation and participation in the formation of an Interim Government at the Centre.

This Convention further emphatically declares that any attempt to impose a constitution on a united India basis or to force any interim arrangement at the Centre, contrary to the Muslim League demand, will leave the Muslims no alternative but to resist such imposition by all possible means for their survival and national existence.

Letter from Lord Pethick-Lawrence to M. A. Jinnah (and Abul Kalam Azad) suggesting the Future constitutional structure[1]

27 *April* 1946

The Cabinet Mission and His Excellency the Viceroy have carefully reviewed the opinions expressed to them by the various representatives they have

[1]Papers Relating to the Cabinet Mission to India 1946, Manager of Publications, Delhi, 1946, p. 9.

interviewed and have come to the conclusion that they should make one further attempt to obtain agreement between the Muslim League and the Congress.

They realise that it would be useless to ask the two parties to meet unless they were able to place before them a basis of negotiation which could lead to such an agreement.

I am therefore asked to invite the Muslim League to send four negotiators to meet the Cabinet Mission and the Viceroy together with a similar number from the Congress Working Committee with a view to discussing the possibility of agreement upon a scheme based upon the following fundamental principles:

The future constitutional structure of British India to be as follows:

A Union Government dealing with the following subjects: Foreign Affairs, Defence and Communications. There will be two groups of Provinces, the one of the predominantly Hindu Provinces and the other of the predominantly Muslim Provinces, dealing with all other subjects which the Provinces in the respective groups desire to be dealt with in common. The Provincial Governments will deal with all other subjects and will have all the residuary sovereign rights.

It is contemplated that the Indian States will take their appropriate place in this structure on terms to be negotiated with them.

I would point out that we do not think it either necessary or desirable further to elaborate these principles as all other matters could be dealt with in the course of the negotiations.

If the Muslim League and Congress are prepared to enter into negotiations on this basis, you will perhaps be so good as to let me know the names of the four people appointed to negotiate on their behalf. As soon as I receive these I will let you know the locus of the negotiations which will in probability be in Simla, where the climate will be more temperate.

7. Sudhir Ghosh on Gandhi's Private Meeting with the Cabinet Ministers[1]

Mr. Pyarelal, Gandhiji's principal secretary, has recorded in his book *The Last Phase:*

"On the afternoon of the 28th April, while the Congress Working Committee was still engaged in examining the Cabinet Delegation's proposal, Gandhiji received a message from the Cabinet Delegation that Lord Pethick-Lawrence and Sir Stafford Cripps would like to meet him urgently either at Bhangi Colony or in the gardens in the Viceroy's House. They preferred the latter as they wanted the meeting to be private and if they came to Bhangi Colony it would attract publicity. Gandhiji went to see them at dusk. As they sat talking by the circular pool in the Viceroy's garden, Gandhiji discovered that all was not well in the Congress ranks. The Cabinet Delegation, it seems, had received a letter from one of Gandhiji's Congress colleagues about which neither Gandhiji nor the Working Committee had any knowledge. He was shocked."

It so happened that the messenger who brought the message from the two British statesmen was myself. In fact I had strongly urged the two Ministers

[1]*Gandhi's Emissary*, Rupa & Co., Calcutta, Allahabad, Bombay, 1967, pp. 105-10 .

that they must meet Gandhiji privately and clear up the serious misunderstanding that had arisen between Gandhiji and them due to no fault of theirs. Mr. Pyarelal does not say in his book that the letter which had shocked Gandhiji was written by Maulana Abul Kalam Azad to the Cabinet Delegation without the knowledge of his colleagues.

In his book *India Wins Freedom* Maulana Azad himself, in the course of his own account of his negotiations, as Congress President, with the Cabinet Mission says (p. 139) about the communal problem of India: 'As a community the Muslims were extremely anxious about their future. It is true that they were in a clear majority in certain provinces. At the provincial level they had therefore no fears in these areas. They were however a minority in India as a whole and were troubled by the fear that their position and status in independent India would not be secure'. This was exactly the honest feeling of the British Cabinet Ministers and thus the Maulana and the Cabinet Mission were in great sympathy with each other in their whole approach to the communal tangle in India and the prescription of a remedy for it....

In the Congress Camp Maulana's No. 1 friend was Pandit Nehru, an emotional man of great human qualities, and his No. 1 critic was Sardar Vallabhbhai Patel, a man of iron will and the shrewdest kind of practical sense. The Sardar was sceptical about the Maulana's highmindedness as a Mulsim divine and he never shared Gandhiji's unflinching faith in the Maulana's integrity. In spite of all his high regard for the Maulana Gandhiji saw in his ideas, which were similar to the scheme based upon certain 'fundamental principles' which the Mission formulated after their return from Kashmir on the 24th April, what he called 'the seeds of Pakistan'. Gandhiji was uneasy when the Mission proposed that the representatives of the Congress and the Muslim League should move from Delhi to Simla on 1st May in order to meet each other under the auspices of the Mission to discuss the scheme based on these 'fundamental principles'. The Mission tried to satisfy Gandhiji by explaining to him that by the acceptance of the invitation to go to Simla to meet under the auspices of the Mission the negotiating team of either party committed themselves to nothing. But Gandhiji was not satisfied....

...I went to Cripps and told him how unhappy Gandhiji was and how reluctant he was to go to Simla to be a party to these negotiations. Cripps was moved by the report I gave him and talked to me at some length trying to divine the cause of Gandhiji's mental distress. He said he did not understand why Gandhiji should be so supset about the principles on which they were trying to bring about a compromise between the Congress Party and the Muslim League. For, after all, they had quite a clear understanding with the President of his own Party, Maulana Azad, about this matter and, in fact, they had a letter in writing from the Maulana to indicate that he was confident of carrying the Congress with him—in spite of whatever internal differences there were inside the Congress.[1] I went back to Gandhiji and told him about the letter and he was shocked....Gandhiji could

[1]According to Sudhir Ghosh, the Maulana had also said in this letter that "there was no need for the Cabinet Mission to worry too much about Gandhiji or his misgivings about the Mission's proposals." (Ibid., p. 109). Ed.

not sleep that night. In the morning he told me to go to Cripps and ask him if he would be prepared to show the letter to Gandhiji. Cripps explained that it was a confidential letter addressed by the Maulana and the Mission had taken it for granted that the Maulana must have mentioned it to his colleagues, but since Gandhiji was unaware of it and wished to see it he thought it was best to let Gandhiji see it. He asked George Blaker, his private secretary, to hand over the letter to me.

Sitting on the floor of his little room in the Bhangi Colony, Gandhiji read the letter and as he put it down on the little desk in front of him, it was announced that Maulana Saheb had arrived and all the three of us there—Rajkumari, Pyarelalji and I promptly left the room, because Maulana Saheb always wished to be left alone whenever he came to see Gandhiji. There was a wooden partition in the room and Rajkumari and Pyarelalji used to sit behind the wooden partition and do their work; they were permitted to listen to any conversation they liked. They both heard Gandhiji ask Maulana Saheb a straight question whether he had written any letter to the Viceroy about the negotiations that were going on. The Maulana flatly denied having written any letter at all. He did this while the letter in original was lying in front of Gandhiji on his little writing desk at a distance of two or three yards from the spot where Maulana Saheb was sitting....

Unhappiness pervaded the whole atmosphere. Gandhiji talked to Sardar Vallabhbhai and one other colleague about his unhappiness and the story of the Maulana's letter spread amongst the members of Gandhiji's inner cricle....

Later in the day I went back to Cripps and told him that if he wanted to save his relationship with Gandhiji the only thing to do in such situation was for him to go to Gandhiji and make a clean confession. He agreed with me that in the circumstances that was the only right thing to do. 'But I will go to Maulana first', he added, 'and give him a chance to make his own confession first; but if he does not respond then I will go to the old man and make ample amends.' Cripps did go to the Maulana and did suggest that he should go to Gandhiji and talk to him frankly about it. Maulana refused. So Cripps went to Gandhiji and made his own confession. The gentle Lord Pethick-Lawrence was deeply distressed to hear all about this. He sent for me and told me that he would like to talk privately to Gandhiji....after the prayers that evening, the 28th of April, we drove down to the back entrance of the Mughal gardens. Lord Pethick-Lawrence and Sir Stafford Cripps met Gandhiji at the entrance and as they talked and walked round and round the circular sunken garden I sat on the bank and sadly watched this mournful procession of three unhappy men.

8. Suggested Points for Agreement between the Congress and the Muslim[1] League Put Forward by the Cabinet Mission

8 *May* 1946

1. There shall be an All-India Union Government and Legislature dealing with Foreign Affairs, Defence, Communications, Fundamental Rights

[1]Papers Relating to the Cabinet Mission to India 1946, Manager of Publications, Delhi, 1946, pp. 14-15.

and having the necessary powers to obtain for itself the finances it requires for these subjects.

2. All the remaining powers shall vest in the Provinces.

3. Groups of Provinces may be formed and such groups may deter mine the Provincial subjects which they desire to take in common.

4. The groups may set up their own Executives and Legislatures.

5. The Legislature of the Union shall be composed of equal proportions from the Muslim-majority Provinces and from the Hindu-majority Provinces whether or not these or any of them have formed themselves into groups; together with representatives of the States.

6. The Government of the Union shall be constituted in the same proportion as the Legislature.

7. The constitutions of the Union and the groups (if any) shall contain a provision whereby any Province can by a majority vote of its Legislative Assemiby call for a reconsideration of the terms of the constitution after an initial perold of 10 years and at 10-yearly intervals thereafter.

For the purpose of such reconsideration a body shall be constituted on the same basis as the original Constituent Assembly and with the same provisions as to voting and shall have power to amend the constitution in any way decided upon.

8. The constitution-making machinery to arrive at a constitution on the above basis shall be as follows:

A. Representatives shall be elected from each Provincial Assembly in proportion to the strengths of the various parties in that Assembly on the basis of 1/10th of their numbers.

B. Representatives shall be invited from the States on the basis of their population in proportion to the representation from British India.

C. The Constituent Assembly so formed shall meet at the earliest date possible in New Delhi.

D. After its preliminary meeting at which the general order of business will be settled it will divide into three sections, one section representing the Hindu-majority Provinces, one section representing the Muslim-majority Provinces and one representing the States.

E. The first two sections will then meet separately to decide the Provincial constitutions for their group and, if they wish, a group contitution.

F. When these have been settled it will be open to any Province to decide to opt out of its original group and into the other group or to remain outside any group.

G. Thereafter the three bodies will meet together to settle the consitution for the Union on the lines agreed in paragraphs 1-7 above.

H. No major point in the Union constitution which affects the communal issue shall be deemed to be passed by the Assembly unless a majority of both the two major communities vote in its favour.

9. The Viceroy shall forthwith call together the above constitution-

making machinery which shall be governed by the provisions stated in paragraph 8 above.

9. Terms Offered by the Muslim League as a Basis of Agreement[1]

12 *May* 1946

1. The six Muslim Provinces (Punjab, North-West Frontier Province, Baluchistan, Sind, Bengal and Assam) shall be grouped together as one group and will deal with all other subjects and matters except Foreign Affairs, Defence and Communications, necessary for Defence, which may be dealt with by the constitution-making bodies of the two groups of Provinces—Muslim Provinces (hereinafter named Pakistan Group) and Hindu Provinces—sitting together.

2. There shall be a separate constitution-making body for the six Muslim Provinces named above, which will frame constitutions for the Group and the Provinces in the Group and will determine the list of subjects that shall be Provincial and Central (of the Pakistan Federation) with residuary sovereign powers vesting in the Provinces.

3. The method of election of the representatives to the constitution-making body will be such as would secure proper representation to the various communities in proportion to their population in each Province of the Pakistan Group.

4. After the constitutions of the Pakistan Federal Government and the Provinces are finally framed by the constitution-making body, it will be open to any Province of the Group to deecide to opt out of its Group, provided the wishes of the people of that Province are ascertained by a referendum to opt out or not.

5. It must be open to discussion in the joint constitution-making body as to whether the Union will have a Legislature or not. The method of providing the Union with finance should also be left for decision of the joint meeting of the two constitution-making bodies, but in no event shall it be by means of taxation.

6. There should be parity of representation between the two Groups of Provinces in the Union Executive and the Legislature, if any.

7. No major point in the Union constitution which affects the communal issue shall be deemed to be passed in the joint constitution making body, unless the majority of the members of the constitution-making body of the Hindu Provinces and the majority of the members of the constitution-making body of the Pakistan Group, present and voting, are separately in its favour.

8. No decision, legislative, executive or administrative, shall be taken by the Union in regard to any matter of controversial nature, except by a majority of three-fourths.

9. In Group and Provincial constitutions fundamental rights and safeguards concerning religion, culture and other matters affecting the different communities will be provided for.

10. The constitution of the Union shall contain a provision whereby

[1]*Ibid.*, pp. 20-21.

any Province can, by a majority vote of its Legislative Assembly, call for reconsideration of the terms of the constitution, and will have the liberty to secede from the Union at any time after an initial period of ten years.

These are the principles of our offer for a peaceful and amicable settlement and this offer stands in its entirety and all matters mentioned therein are interdependent.

10. Terms offered by the Congress as a Basis of Agreement[1]

12 *May* 1946

1. The Costituent Assembly to be formed as follows:

(*i*) Representatives shall be elected by each Provincial Assembly by proportional representation (single transferable vote). The number so elected should be one-fifth of the number of members of the Assembly and they may be members of the Assembly or others.

(*ii*) Representatives from the States on the basis of their population in proportion to the representation from British India. How these representatives are to be chosen is to be considered later.

2. The Constituent Assembly shall draw up a constitution for the Federal Union. This shall consist of an All-India Federal Government and Legislature dealing with Foreign Affairs, Defence, Communications, Fundamental Rights, Currency, Customs and Planning as well as such other subjects as, on closer scrutiny, may be found to be intimately allied to them. The Federal Union will have necessary powers to obtain for itself the finances it requires for these subjects and the power to raise revenues in its own right. The Union must also have power to take remedial action in cases of breakdown of the constitution and in grave public emergencies.

3. All the remaining powers shall vest in the Provinces or Units.

4. Groups of Provinces may be formed and such groups may determine the Provincial subjects which they desire to take in common.

5. After the Constituent Assembly has decided the constitution for the All-India Federal Union as laid down in paragraph 2 above, the representatives of the Provinces may form groups to decide the Provincial constitutions for their group and, if they wish, a group constitution.

6. No major point in the All-India Federal Constitution which affects the communal issue shall be deemed to be passed by the Constituent Assembly unless a majority of the members of the community or communities concerned present in Assembly and voting are separately in its favour. Provided that in case there is no agreement on any such issue, it will be referred to arbitration. In case of doubt as to whether any point is a major communal issue, the Speaker will decide, or, if so desired, it may be referred to the Federal Court.

7. In the event of a dispute arising in the process of constitution-making, the specific issue shall be referred to arbitration.

[1] *Ibid.*, pp. 21-22.

8. The constitution should provide machinery for its revision at any time subject to such checks as may be desired. If so desired, it may be specifically stated that this whole constitution may be reconsidered after ten years.

11. Note by the Congress on the Terms offered by the Muslim League[1]

12 *May* 1946

The approach of the Muslim League is so different from that of the Congress in regard to these matters that it is a little difficult to deal with each point separately without reference to the rest. The picture as envisaged by the Congress is briefly given in a separate note. From [a] consideration of this note and the Muslim League's proposals the difficulties and the possible agreement will become obvious.

The Muslim League's proposals are dealt with below briefly:

(1) We suggest that the proper procedure is for one constitution-making body or Constituent Assembly to meet for the whole of India and later for groups to be formed if so desired by the Provinces concerned. The matter should be left to the Provinces and if they wish to function as a group they are at liberty to do so and to frame their own constitution for the purpose.

In any event Assam has obviously no place in the group mentioned, and the North-West Frontier Province, as the elections show, is not in favour of this proposal.

(2) We have agreed to residuary powers, apart from the Central subjects, vesting in the Provinces. They can make such use of them as they like and, as has been stated above, function as a group. What the ultimate nature of such a group may be cannot be determined at this stage and should be left to the representatives of the Provinces concerned.

(3) We have suggested that the most suitable method of election would be by single transferable vote. This would give proper representation to the various communities in proportion to their present representation in the legislatures. If the population proportion is taken, we have no particular objection, but this would lead to difficulties in all the Provinces where there is weightage in favour of certain communities. The principle approved of would necessarily apply to all the Provinces.

(4) There is no necessity for opting out of a Province from its group as the previous consent of the Provinces is necessary for joining the group.

(5) We consider it essential that the Federal Union should have a Legislature. We also consider it essential that the Union should have power to raise its own revenue.

(6 and 7) We are entirely opposed to parity of representation as between groups of Provinces in the Union Executive or Legislature. We think that the provision to the effect that no major communal issue in the union canstitution shall be deemed to be passed by the Constituent Assembly unless a majority of the mem-

[1] *Ibid.*, pp. 22-23.

bers of the community or communities concerned present and voting in the Constituent Assembly are separately in its favour, is a sufficient and ample safeguard of all minorities. We have suggested something wider and including all communities than has been proposed elsewhere. This may give rise to some difficulties in regard to small communities, but all such difficulties can be got over by reference to arbitration. We are prepared to consider the method of giving effect to this principle so as to make it more feasible.

(8) This proposal is so sweeping in its nature that no Government or Legislature can function at all. Once we have safeguarded major communal issues, other matters, whether controversial or not, require no safeguard. This will simply mean safeguarding vested interests of all kinds and preventing progress, or indeed any movement in any direction. We, therefore, entirely disapprove of it.

(9) We are entirely agreeable to the inclusion of Fundamental Rights and safeguards concerning religion, culture and like matters in the constitution. We suggest that the proper place for this is the All-India Federal Union constitution. There should be uniformity in regard to these Fundamental Rights all over India.

(10) The constitution of the Union will inevitably contain provisions for its revision. It may also contain a provision for its full reconsideration at the end of ten years. The matter will be open then for a complete reconsideration. Though it is implied, we would avoid reference to secession as we do not wish to encourage this idea.

12. The Cabinet Mission Plan[1]

16 *May* 1946

1. On the 15th March last, just before the dispatch of the Cabinet Mission to India, Mr. Attlee, the British Prime Minister, used these words:

"My colleagues are going to India with the intention of using their utmost endeavours to help her to attain her freedom as speedily and fully as possible. What form of government is to replace the present regime is for India to decide; but our desire is to help her to set up forthwith the machinery for making that decision....

"I hope that the Indian people may elect to remain within the British Commonwealth. I am certain that she will find great advantages in doing so....

"But if she does so elect, it must be by her own free will. The British Commonwealth and Empire is not bound together by chains of external compulsion. It is a free association of free peoples. If, on the other hand, she elects for independence, in our view she has a right to do so. It will be for us to help to make the transition as smooth and easy as possbile."

2. Charged in these historic words, we—the Cabinet Ministers and the Viceroy—have done our utmost to assist the two main political parties to reach agreement upon the fundamental issue of the unity or division of India. After prolonged discussions in New Delhi we succeeded in bringing the Congress and the Muslim League together in conference at Simla. There was a full exchange of views and

[1] *Ibid.*, pp. 1-7.

both parties were prepared to make considerable concessions in order to try to reach a settlement, but it ultimately proved impossible to close the remainder of the gap between the parties and so no arrangement could be concluded. Since no agreement has been reached, we feel that it is our duty to put forward what we consider are the best arrangements possible to ensure a speedy setting up of the new constitution. This statement is made with the full approval of His Majesty's Government in the United Kingdom.

3. We have accordingly decided that immediate arrangements should be made whereby Indians may decide the future constitution of India, and an Interim Government may be set up at once to carry on the administration of British India until such time as a new constitution can be brought into being. We have endeavoured to be just to the smaller as well as to the larger sections of the people; and to recommend a solution which will lead to a practicable way of governing the India of the future, and will give a sound basis for defence and a good opportunity for progress in the social, political and econmic field.

4. It is not intended in this statement to review the voluminous evidence which has been submitted to the Mission; but it is right that we should state that it has shown an almost universal desire, outside the supporters of the Muslim League, for the unity of India.

5. This consideration did not, however, deter us from examining closely and impartially the possibility of a partition of India; since we were greatly impressed by the very genuine and acute anxiety of the Muslims lest they should find themselves subjected to a perpetual Hindu-majority rule. This feeling has become so strong and widespread amongst the Muslims that it cannot be allayed by mere paper safeguards. If there is to be internal peace in India it must be secured by measures which will assure to the Muslims a control in all matters vital to their culture, religion and economic or other interests.

6. We therefore examined in the first instance the question of a separate and fully independent sovereign state of Pakistan as claimed by the Muslim League. Such a Pakistan would comprise two areas: one in the North-West consisting of the provinces of the Punjab, Sind, North-West Frontier and British Baluchistan; the other in the North-East consisting of the Provinces of Bengal and Assam. The League were prepared to consider adjustment of boundaries at a later stage, but insisted that the principle of Pakistan should first be acknowledged. The argument for a separate state of Pakistan was based, first, upon the right of the Muslim majority to decide their method of government according to their wishes, and, secondly, upon the necessity to include substantial areas in which Muslims are in a minority, in order to make Pakistan administratively and economically workable.

The size of the non-Muslim minorities in a Pakistan comprising the whole of the six Provinces enumerated above would be very considerable as the following figures[1] show:

[1]All population figures in this statement are from the most recent census taken in 1941.

North-Western Area	*Muslim*	*Non-Muslim*
Punjab	16,217,242	12,201,577
North-West Frontier Province	2,788,797	249,270
Sind	3,208,325	1,326,683
British Baluchistan	438,930	62,701
	22,653,294	13,840,231
	62.07 per cent	37.93 per cent

North-Eastern Area		
Bengal	33,005,434	27,301,901
Assam	3,442,479	6,762,254
	36,447,913	34,063,345
	51.69 per cent	48.31 per cent

The Muslim minorities in the remainder of British India number some 20 million dispersed amongst a total population of 188 million.

These figures show that the setting up of a separate sovereign state of Pakistan on the lines claimed by the Muslim League would not solve the communal minority problem; nor can we see any justification for including within a sovereign Pakistan those districts of the Punjab and of Bengal and Assam in which the population is predominantly non-Muslim. Every argument that can be used in favour of Pakistan can equally, in our view, be used in favour of the exclusion of the non-Muslim areas from Pakistan. This point would particularly affect the position of the Sikhs.

7. We, therefore, considered whether a smaller sovereign Pakistan confined to the Muslim-majority areas alone might be a possible basis of compromise. Such a Pakistan is regarded by the Muslim League as quite impracticable because it would entail the exclusion from Pakistan of (*a*) the whole of the Ambala and Jullundur Divisions in the Punjab; (*b*) the whole of Assam except the district of Sylhet; and (*c*) a large part of Western Bengal, including Calcutta, in which city the percentage of the Muslim population is 23.6 per cent. We ourselves are also convinced that any solution which involves a radical partition of the Punjab and Bengal, as this would do, would be contrary to the wishes and interests of a very large proportion of the inhabitants of these provinces. Bengal and the Punjab each has its own common language and a long history and tradition. Moreover, any division of the Punjab would of necessity divide the Sikhs, leaving substantial bodies of Sikhs on both sides of the boundary. We have, therefore, been forced to the conclusion that neither a larger nor a smaller sovereign state of Pakistan would provide an acceptable solution for the communal problem.

8. Apart from the great force of the foregoing arguments there are weighty administrative, economic and military considerations. The whole of the transportation and postal and telegraph systems of India have been established on the basis of a united India. To disintegrate them would gravely injure both parts of India. The case for a united defence is even stronger. The Indian Armed Forces have been built up as a whole for the defence of India as a whole, and to break them in two would inflict a deadly blow on the long traditions and high degree of efficiency of the Indian Army and would entail the gravest dangers. The Indian Navy and Indian Air Force would become much less effective. The two sections of the suggested Pakistan contain the two most vulnerable frontiers in India and for a successful defence in depth the area of Pakistan would be insufficient.

9. A further consideration of importance is the greater difficulty which the Indian States would find in associating themselves with a divided British India.

10. Finally, there is the geographical fact that the two halves of the proposed Pakistan State are separated by some seven hundred miles and the communications between them both in war and peace would be dependent on the goodwill of Hindustan.

11. We are therefore unable to advise the British Government that the power which at present resides in British India should be handed over to two entirely separate sovereign States.

12. This decision does not, however, blind us to the very real Muslim apprehensions that their culture and political and social life might become submerged in a purely unitary India, in which the Hindus with their greatly superior numbers must be a dominating element. To meet this the Congress have put forward a scheme under which provinces would have full autonomy subject only to a minimum of Central subjects, such as Foreign Affairs, Defence and Communications.

Under this scheme provinces, if they wished to take part in economic and administrative planning on a large scale, could cede to the Centre optional subjects in addition to the compulsory ones mentioned above.

13. Such a scheme would, in our view, present considerable constitutional disadvantages and anomalies. It would be very difficult to work a Central Executive and Legislature in which some ministers, who dealt with compulsory sujbects, were responsible to the whole of India while other ministers, who dealt with optional subjects, would be responsible only to those provinces who had elected to act together in respect of such subjects. This difficulty would be accentuated in the Central Legislature, where it would be necessary to exclude certain members from speaking and voting when subjects with which their provinces were not concerned were under discussion. Apart from the difficulty of working such a scheme, we do not consider that it would be fair to deny to other provinces, which did not desire to take the optional subjects at the Centre, the right to form themselves into a group for a similar purpose. This would indeed be no more than the exercise of their autonomous powers in a particular way.

14. Before putting forward our recommendations we turn to deal with the relationship of the Indian States to British India. It is quite clear that with the attainment of independece by British India, whether inside or outside the British Commonwealth, the relationship which has hitherto existed between the Rulers of the States and the British Crown will no longer be possible. Paramountcy can neither be retained by the British Crown nor transferred to the new government. This fact has been fully recognized by those whom we interviewed from the States. They have at the same time assured us that the States are ready and willing to co-operate in the new development of India. The precise form which their co-operation will take must be a matter for negotiation during the building up of the new constitutional structure and it by no means follows that it will be identical for all the States. We have not therefore dealt with the States in the same detail as the Provinces of British India in the paragraphs which follow.

15. We now indicate the nature of a solution which in our view would be just to the essential claims of all parties and would at the same time be most likely to bring about a stable and practicable form of constitution for all India.

We recommend that the constitution should take the following basic form:

(1) There should be a Union of India, embracing both British India and the States which should deal with the following subjects: Foreign Affairs, Defence, and Communications; and should have the powers necessary to raise the finances required for the above subjects.

(2) The Union should have an Executive and a Legislature constituted from British Indian and States' representatives. Any question raising a major communal issue in the Legislature should require for its decision a majority of the representatives present and voting of each of the two major communities as well as a majority of all the members present and voting.

(3) All subjects other than the Union subjects and all residuary powers shall vest in the provinces.

(4) The States will retain all subjects and powers other than those ceded to the Union.

(5) Provinces should be free to form groups with Executives and Legislatures, and each group could determine the provincial subjects to be taken in common.

(6) The constitutions of the Union and the groups should contain a provision whereby any province could by a majority vote of its Legislative Assembly call for a reconsideration of the terms of the constitution after an initial period of ten years and at ten-yearly intervals thereafter.

16. It is not our object to lay out the details of a constitution on the above programme but to set in motion machinery whereby a constitution can be settled by Indians for Indians.

It has been necessary, however, for us to make this recommendation as to the broad basis of the future constitution because it became clear to us in the

course of our negotiations that not until that had been done was there any hope of getting the two major communities to join in the setting up of the constitution-making machinery.

17. We now indicate the constitution-making machinery which we propose should be brought into being forthwith in order to enable a new constitution to be worked out.

18. In forming an assembly to decide a new constitutional structure the first problem is to obtain as broad-based and accurate a representation of the whole population as is possible. The most satisfactory method obviously would be by election based on adult franchise, but any attempt to introduce such a step now would lead to a wholly unacceptable delay in the formulation of the new constitution. The only practicable course is to utilize the recently elected Provincial Legislative Assemblies as electing bodies. There are, however, two factors in their composition which make this difficult. First, the numerical strengths of Provincial Legislative Assemblies do not bear the same proportion to the total population in each province. Thus, Assam, with a population of 10 million, has a Legislative Assembly of 108 members, while Bengal, with a population six times as large, has an Assembly of only 250. Secondly, owing to the weightage given to minorities by the Communal Award, the strengths of the several communities in each Provincial Legislative Assembly are not in proportion to their numbers in the province. Thus the number of seats reserved for Moslems in the Bengal Legislative Assembly is only 48 per cent of the total, although they form 55 per cent of the provincial population. After a most careful consideration of the various methods by which these points might be corrected, we have come to the conclusion that the fairest and most practicable plan would be:

(*a*) to allot to each province a total number of seats proportional to its population, roughly in the ratio of one to a million, as the nearest substitute for representation by adult suffrage;

(*b*) to divide this provincial allocation of seats between the main communities in each province in proportion to their population;

(*c*) to provide that the representatives allocated to each community in a province shall be elected by members of that community in its Legislative Assembly.

We think that for these purposes it is sufficient to recognize only three main communities in India, General, Moslem and Sikh, the 'General' community including all persons who are not Moslems or Sikhs. As smaller minorities would upon a population basis have little or no representation, since they would lose the weightage which assures them seats in Provincial Legislatures, we have made the arrangements set out in paragraph 20 below to give them a full representation upon all matters of special interest to minorities.

19. (*i*) We therefore propose that there shall be elected by each Provincial Legislative Assembly the following numbers of representatives, each part of the Legislative Assembly (General, Moslem or Sikh) electing its own representatives by the method of proportional representation with single transferable vote:

Table of Representation

Section A

Province	*General*	*Muslim*	*Total*
Madras	45	4	49
Bombay	19	2	21
United Provinces	47	8	55
Bihar	31	5	36
Central Provinces	16	1	17
Orissa	9	0	9
Total	167	20	187

Section B

Province	*General*	*Muslim*	*Sikhs*	
Punjab	8	16	4	28
North West Frontier Province	0	3	0	3
Sind	1	3	0	4
Total	9	22	4	35

Section C

Province	*General*	*Muslim*	*Total*
Bengal	27	33	60
Assam	7	3	10
Total	34	36	70

Total for British India	292
Maximum for Indian States	93
Total..	385

Note: In order to represent the Chief Commissioners' Provinces there will be added to Section A the member representing Delhi in the Central Legislative Assembly, the member representing Ajmer-Merwara in the Central Legislative Assembly and a representative to be elected by the Coorg Legislative Council.

To Section B will be added a representative of British Baluchistan.

(*ii*) It is the intention that the States would be given in the final Constituent Assembly appropriate representation which would not, on the basis of the

calculation of population adopted for British India, exceed 93; but the method of selection will have to be determined by consultation. The States would in the preliminary stage be represented by a negotiating committee.

(*iii*) Representatives thus chosen shall meet at New Delhi as soon as possible.

(*iv*) A preliminary meeting will be held at which the general order of business will be decided, a chairman and other officers elected and an Advisory Committee (see paragraph 20 below) on rights of citizens, minorities and tribal and excluded areas set up. Thereafter the provincial representatives will divide up into three Sections shown under A, B and C in the Table of Representation in sub-paragraph (*i*) of this paragraph.

(*v*) These Sections shall proceed to settle provincial Constitutions for the provinces included in each Section and shall also decide whether any group constitution shall be set up for those provinces and if so with what provincial subjects the group should deal. Provinces should have power to opt out of groups in accordance with the provisions of sub-clause (*viii*) below.

(*vi*) The representatives of the Sections and the Indian States shall reassemble for the purpose of settling the Union constitution.

(*vii*) In the Union Constituent Assembly resolutions varying the provisions of paragraph 15 above or raising any major communal issue shall require a majority of the representatives present and voting of each of the two major communities. The Chairman of the Assembly shall decide which, if any, resolutions raise major communal issues and shall, if so requested by a majority of the representatives of either of the major communities, consult the Federal Court before giving his decision.

(*viii*) As soon as the new constitutional arrangements have come into operation it shall be open to any province to elect to come out of any group in which it has been placed. Such a decision shall be taken by the Legislature of the province after the first general election under the new Constitution.

20. The Advisory Committee on the rights of citizens, minorities and tribal and excluded areas will contain due representation of the interests affected and their function will be to report to the Union Constituent Assembly upon the list of fundamental rights, clauses for protecting minorities, and a scheme for the administration of tribal and excluded areas, and to advise whether these rights should be incorporated in the provincial, the group or the Union constitutions.

21. His Excellency the Viceroy will forthwith request the provincial legislatures to proceed with the election of their representatives and the States to set up a negotiating committee.

It is hoped that the process of constitution-making can proceed as rapidly as the complexities of the task permit so that the interim period may be as short as possible.

22. It will be necessary to negotiate a treaty between the Union Constituent Assembly and the United Kingdom to provide for certain matters arising out of the transfer of power.

23. While the constitution-making proceeds the administration of India

has to be carried on. We attach the greatest importance therefore to the setting up at once of an Interim Government having the support of the major political parties. It is essential during the interim period that there should be the maximum of co-operation in carrying through the difficult tasks that face the Government of India. Besides the heavy tasks of day-to-day administration, there is the grave danger of famine to be countered, there are decisions to be taken in many matters of post-war development which will have a far-reaching effect on India's future and there are important international conferences in which India has to be represented. For all these purposes a government having popular support is necessary. The Viceroy has already started discussions to this end and hopes soon to form an Interim Government in which all the portfolios, including that of the War Member, will be held by Indian leaders having the full confidence of the people. The British Government, recognizing the full significance of the changes, will give the fullest measure of co-operation to the Government so formed in the accomplishment of its tasks of administration and in bringing about as rapid and smooth a transition as possible.

24. To the leaders and people of India, who now have the opportunity of complete independence, we would finally say this. We and our Government and countrymen hoped that it would be possible for the Indian people themselves to agree upon the method of framing the new Constitution under which they will live. Despite the labours which we have shared with the Indian parties and the excercise of much patience and goodwill by all, this has not been possible. We, therefore, now lay before you proposals which, after listening to all sides and after much earnest thought, we trust will enable you to attain your independence in the shortest time and with the least danger of internal disturbance and conflict. These proposals may not, of course, completely satisfy all parties, but you will recognize with us that, at this supreme moment in Indian history, statesmanship demands mutual accommodation and we ask you to consider the alternative to the acceptance of these proposals. After all the efforts which we and the Indian parties have made together for agreement, we must state that, in our view, there is small hope of a peaceful settlement by the agreement of the Indian parties alone. The alternative would, therefore, be a grave danger of violence, chaos and even civil war. The gravity and duration of such a disturbance cannot be foreseen, but it is certain that it would be a terrible disaster for many millions of men, women and children. This is a possibility which must be regarded with equal abhorrence by the Indian people, our own countrymen and the world as a whole. We, therefore, lay these proposals before you in the profound hope that they will be accepted and operated by you in the spirit of accommodation and goodwill in which they are offered. We appeal to all who have the future good of India at heart to extend their vision beyond their own community or interest to the interests of the whole 400 millions of Indian people.

We hope that the new independent India may choose to be a member of the British Commonwealth. We hope, in any event, that you will remain in close and friendly association with our people. But these are matters for your own free choice. Whatever that choice may be, we look forward with you to your ever-

increasing prosperity among the greatest nations of the world and to a future more glorious than your past.

13. M. K. Gandhi on the Cabinet Mission Plan[1]

After four days of searching examination of the state paper issued by the British Cabinet Mission and the Viceroy on behalf of the British Government, my conviction abides that it is the best document the British Government could have produced in the circumstances. It reflects our weakness, if we would be good enough to see it. The Congress and the League did not, could not agree. We would grievously err, if, at this time, we foolishly satisfy ourselves that the differences are a British creation. The Mission have not come all the way from England to exlpoit them. They have come to devise the easiest and the quickest method of ending British rule. We must be brave enough to believe their declaration until the contrary is proved. Bravery thrives upon the deceit of the deceiver.

But my compliment, however, does not mean that what is best from the British standpoint is also best, or is even good, from the Indian. Their best may possibly be harmful. My meaning will, I hope, be clear from what follows.

The authors of the document have endeavoured to say fully what they mean. They have gathered from their talks the minimum they thought would bring the parties together for framing India's charter of freedom. Their one purpose is to end British rule, as early as may be. They would do so, if they could, by their effort, leave a united India, not torn asunder by internecine quarrel bordering on civil war. They would leave, in any case. Since in Simla, the two parties, though the Mission succeeded in bringing them together at the conference table (with what patience and skill they could do so, they alone could tell), could not come to an agreement, nothing daunted, they descended to the plains of India, and devised a worthy document for the purpose of setting up the constituent assembly which should frame India's charter of independence, free of any British control or influence. It is an appeal and an advice. It has no compulsion in it. Thus the provincial assemblies may or may not elect the delegates. The delegates, having been elected, may or may not join the constituent assembly. The constituent assembly having met, may lay down a procedure different from the one laid down in the statement. Whatever is binding on any person or party arises out of the necessity of the situation. The separate voting is binding on both the major parties, only because it is necessary for the existence of the assembly and in no otherwise. At the time of writing, I took up the statement, re-read it clause by clause, and came to the conclusion that there was nothing in it binding in law. Honour and necessity alone are the two binding forces.

What is binding is that part of it which commits the British Government. Hence, I suppose, the four members of the Mission took the precaution of receiving full approval of the British Government and the two Houses of Parliament. The

[1]From editorial in *Harijan*, dated 20 May 1946 as reproduced in D. G. Tendulkar, *Mahatma*, Volume Seven, The Publications Division, Ministry of Information and Broadcasting, Government of India, October 1962, pp. 119-121.

Mission are entitled to warm congratulations for the first step in the act of renunciation which the statement is. Since other steps are necessary for full renunciation, I have called this one a promissory note.

Though the response to be made by India is to be voluntary, the authors have naturally assumed that the Indian parties are well organized and responsible bodies, capable of doing voluntary acts as fully as, if not more fully than, compulsory acts. Therefore, when Lord Pethick-Lawrence said to a press correspondent, 'If they do come together on that basis, it will mean that they will have accepted that basis, but they can still change it, if by a majority of each party they desire to do so,' he was right in the sense that those who became delegates, well knowing the contents of the statement, were expected by the authors to abide by the basis, unless it was duly altered by the major parties. When two or more rival parties meet together, they do so under some understanding. A self-chosen umpire (in the absence of one chosen by the parties, the authors constitute themselves one) fancies that the parties will come together only if he presents them with a proposal containing a certain minimum, and he makes his proposal, leaving them free to add to, or subtract from, or altogether change it by joint agreement.

This is perfect so far. But what about the units? Are the Sikhs, for whom the Punjab is the only home in India, to consider themselves against their will, as part of the section which takes in Sind, Baluchistan and the Frontier Province? Or is the Frontier Province also against its will belong to the Punajb, called 'B' in the statement, or Assam to 'C', although it is a predominantly non-Muslim province? In my opinion, the voluntary character of the statement demands that the liberty of the individual unit should be unimpaired. Any member of the sections, is free to join it. The freedom to opt out is an additional safeguard. It can never be a substitute for the freedom retained in paragraph 15(5) which reads thus: 'Provinces should be free to form groups with the executives and the legislatures and each group could determine provincial subjects to be taken in common.'

It is clear that this freedom was not taken away by the authors by section 19, which 'proposes' (does not order) what should be done. It presupposes that the chairman of the constituent assembly, at its first meeting, will ask the delegates of the provinces, whether they would accept the group principle, and if they do, whether they will accept the assignment given to their province. This freedom inherent in every province and that given by paragraph 15(5) will remain intact. There appears to me to be no other way of avoiding the apparent conflict between the two paragraphs as also the charge of compulsion which would immediately alter the noble character of the document. I would, therefore, ask all those who are perturbed by the group proposal and by the arbitary assignment, that, if my interpretation is valid, there is not the slightest cause for perturbation.

14. Memorandum on States' Treaties and Paramountcy Presented by the Cabinet Mission to the Chancellor of the Chamber of Princes[1]

12 *May* 1946

1. Prior to the recent statement of the British Prime Minister in the

[1]Papers Relating to the Cabinet Mission to India 1946, Manager of Publications, Delhi, pp. 31-32.

House of Commons an assurance was given to the Princes that there was no intention on the part of the Crown to initiate any change in their relationship with the Crown or the rights guaranteed by their treaties and engagements without their consent. It was at the same time stated that the Princes' consent to any changes which might emerge as a result of negotiations would not unreasonably be withheld. The Chamber of Princes has since confirmed that the Indian States fully share the general desire in the country for the immediate attainment by India of her full stature. His Majesty's Government have now declared that if the Succession Government or Governments in British India desire independence, no obstacle would be placed in their way. The effect of these announcements is that all those concerned with the future of India wish her to attain a position of independence within or without the British Commonwealth. The Delegation have come here to assist in resolving the difficulties which stand in the way of India fulfilling this wish.

2. During the interim period which must elapse before the coming into operation of a new Constitutional structure under which British India will be independent or fully self-governing, paramountcy will remain in operation. But the British Government could not and will not in any circumstances transfer paramountcy to an Indian Government.

3. In the meanwhile, the Indian States are in a position to play an important part in the formulation of the new constitutional structure for India, and His Majesty's Government have been informed by the Indian States that they desire, in their own interests and in the interests of India as a whole, both to make their contribution to the framing of the structure, and to take their due place in it when it is completed. In order to facilitate this they will doubtless strengthen their position by doing everything possible to ensure that their administrations conform to the highest standard. Where adequate standards cannot be achieved within the existing resources of the State they will no doubt arrange in suitable cases to form or join administrative units large enough to enable them to be fitted into the constitutional structure. It will also strengthen the position of States during this formative period if the various Governments which have not already done so take active steps to place themselves in close and constant touch with public opinion in their State by means of representative institutions.

4. During the interim period it will be necessary for the States to conduct negotiations with British India in regard to the future regulation of matters of common concern, especially in the economic and financial field. Such negotiations, which will be necessary whether the States desire to participate in the new Indian constitutional structure or not, will occupy a considerable period of time, and since some of these negotiations may well be incomplete when the new structure comes into being, it will, in order to avoid administrative difficulties, be necessary to arrive at an understanding between the States and those likely to control the succession Government or Governments that for a period of time the then existing arrangements as to these matters of common concern should continue until the new agreements are completed. In this matter, the British Government and the Crown Representative will lend such assistance as they can, should it be so desired.

5. When a new fully self-governing or independent Government or Government's come into being in British India, His Majesty's Government's influence with these Governments will not be such as to enable them to carry out the obligations of paramountcy. Moreover, they cannot contemplate that British troops would be retained in India for this purpose. Thus, as a logical consequence and in view of the desires expressed to them on behalf of the Indian States, His Majesty's Government will cease to exercise the powers of paramountcy. This means that the rights of the States which flow from their relationship to the Crown will no longer exist and that all the rights surrendered by the States to the Paramount Power will return to the States. Political arrangements between the States on the one side and the British Crown and British India on the other will thus be brought to an end. The void will have to be filled either by the States entering into a federal relationship with the successor Government or Governments in British India, or failing this, entering into particular political arrangements with it or them.[1]

15. M.A. Jinnah on the Cabinet Mission Plan[2]

22 *May* 1946

I regret that the Mission should have negatived [the] Muslim demand for the establishment of a complete sovereign state of Pakistan, which we still hold is the only solution of the constitutional problem of India and which alone can secure stable Governments and lead to the happiness and welfare not only of the two major communities, but of all the peoples of this sub-continent.

It is all the more regrettable that the Mission should have thought fit to advance commonplace and exploded arguments against Pakistan and resorted to special pleadings couched in a deplorable language which is calculated to hurt the feelings of Muslim India.

It seems that this was done by the Mission simply to appease and placate the Congress, because when they come to face the realities, they themselves made the following pronouncement embodied in paragraph 5 of the statement which says:

"This consideration did not, however, deter us from examining closely and impartially the possibility of a partition of India; since we were greatly impressed by the very genuine and acute anxiety of the Muslims lest they should find them-

Note—The following explanatory note was issued by the Cabinet Mission in New Delhi on the date of publication (22nd May, 1946).

[1] "The Cabinet Delegation desire to make it clear that the document issued today entitled 'Memorandum on States Treaties and Paramountcy presented by the Cabinet Delegation to His Highness the Chancellor of the Chamber of Princes' was drawn up before the Mission began its discussions with Party leaders and represented the substance of what they communicated to the representatives of the States at their first interviews with the Mission. This is the explanation of the use of the words 'Succession Government or Governments of British India', an expression which would not of course have been used after the issue of the Delegation's recent statement."

[2] *Dawn*, Delhi, 23 May 1946.

selves subjected to a perpetual Hindu-majority rule. This feeling has become so strong and widespread amongst the Muslims that it cannot be allayed by mere paper safeguards. If there is to be internal peace in India it must be secured by measures which will assure to the Muslims a control in all matters vital to their culture, religion and economic or other interests."

And again in paragraph 12: "This decision does not, however, blind us to the very real Muslim apprehensions that their culture and political and social life might become submerged in a purely unitary India, in which the Hindus with their greatly superior numbers must be a dominating element."

And now what recommendations have they made perceptibly securing the object in view and in the light of [the] very clear and emphatic conclusions they arrived at in paragraph 12 of the statement?

I shall now deal with some of the important points in the operative part of the statement:

(1) They have divided Pakistan into two—what they call Section B for the North-Western Zone and Section C for the North-Eastern Zone.

(2) Instead of two constitution-making bodies only one constitution-making body is devised, that for Sections A, B and C.

(3) They lay down that "There shall be a Union of India, embracing both British India and the States, which should deal with the following subjects: Foreign Affairs, Defence and Communications; and should have the powers necessary to raise the finances required for the above subjects."

There is no indication at all that the Communications would be restricted to what is necessary for Defence. Nor is there any indication as to how the Union will be empowered to raise finances required for these three subjects, while our view was that finances should be raised only by contributions and not by taxation.

(4) It is laid down that "The Union should have an Executive and a Legislature constituted from British Indian and States representatives. Any question raising a major communal issue in the Legislature should require for its decision a majority of the representatives present and voting of each of the two major communities as well as a majority of all the members present and voting."

While our view was: (*a*) that there should be no Legislature for the Union, but the question should be left to the Constituent Assembly to decide; (*b*) that there should be parity of representation between the Pakistan Group and the Hindustan Group in the Union Executive and Legislature, if any; and (*c*) that no decision, legislative, executive or administrative, should be taken by the Union in regard to any matter of [a] controversial nature, except by a majority of three-fourths. All these three terms of our offer have been omitted from the statement.

Indeed there is one safeguard for the conduct of business in the Union Legislature that "any question raising a major communal issue in the Legislature should require for its decision a majority of the representatives present and voting

of each of the two major communities as well as a majority of all the members present and voting."

Even this is vague and ineffective. To begin with, who will decide and how as to what is a major communal issue and what is a minor communal issue and what is a purely non-communal issue?

(5) Our proposal that the Pakistan group should have a right to secede from the Union after an initial period of ten years, although the Congress had no serious objection to it, has been omitted and now we are only limited to a reconsideration of terms of the Union Constitution after an initial period of ten years.

(6) Coming to the constitution-making machinery, here again, a representative of British Baluchistan is included in Section B, but how he will be elected is not indicated.

(7) With regard to the constitution-making body for the purpose of framing the proposed Union Constitution, it will have an overwhelming Hindu majority. In a House of 292 for British India the Muslim strength will be 79, and, if the number allotted to Indian States (93) is taken into account, it is quite obvious that the Muslim proportion will be further reduced, as the bulk of the States representatives would be Hindus.

This Assembly so constituted will elect the Chairman and other officers and, it seems, also the members of the Advisory Committee referred to in paragraph 20 of the statement, by a majority and the same rule will apply to other normal business. But I note that there is only one saving clause which runs as follows:

"In the Union Constituent Assembly resolutions varying the provisions of paragraph 15 above or raising any major communal issue shall require a majority of the representatives present and voting of each of the two major communities.

The Chariman of the Assembly shall decide, which (if any) of the resolutions raise major communal issues and shall, if so requested by a majority of the representatives of either of the major communities, consult the Federal Court before giving his decision."

It follows, therefore, that it will be Chairman alone who will decide. He will not be bound by the opinion of the Federal Court nor need anybody know what that opinion was as the Chairman is merely directed to consult the Federal Court.

(8) With regard to the Provinces opting out of their Group, it is left to the new Legislature of the Provinces after the first general election under the new Constitution to decide, instead of a referendum of the people as was suggested by us.

(9) As for paragraph 20 which runs as follows: "The Advisory Committee on the rights of citizens, minorities and Tribal and Excluded Areas should contain full representation of the interests affected, and their function will be to report to the Union Constituent Assembly upon the list of fundamental rights, the clauses for the protection of minorities and a scheme for the administration of the Tribal and Excluded Areas and to advise whether these rights should be incorporated in the Provincial, Group or Union Constitution."

This raises a very serious question indeed, for if it is left to the Union Constituent Assembly to decide these matters by a majority vote, whether any of

the recommendations of the Advisory Committee should be incorporated in the Union Constitution, then it will open a door to more subjects being vested in the Union Government. This will destroy the very basic principle that the Union is to be strictly confined to three subjects.

16. Resolution of the Congress Working Committee on the Cabinet Mission Plan[1]
24 *May* 1946

The Working Committee has given careful consideration to the statement dated May 16, 1946 issued by the Delegation of the British Cabinet and the Viceroy on behalf of the British Government as well as the correspondence relating to it that has passed between the Congress President and the members of the Delegation. They have examined it with every desire to find a way for a peaceful and co-operative transfer of power and the establishment of a free and independent India. Such an India must necessarily have a strong central authority capable of representing the nation with power and dignity in the counsels of the world. In considering the statement, the Working Committee have kept in view the picture of the future in so far as this was available to them from the proposals made for the formation of a Provisional Government and the clarification given by the members of the Delegation. The picture is still incomplete and vague. It is only on the basis of the full picture that they can judge and come to a decision as to how far this is in conformity with [the] objectives they aim at. These objectives are: independence for India; a strong, though limited, central authority; full autonomy for the Provinces; the establishment of a democratic structure in the Centre and in the units; the guarantee of the fundamental rights of each individual so that he may have full and equal opportunities of growth, and further that each community should have opportunity to live the life of its choice within the larger framework.

The Committee regret to find a divergence between these objectives and the various proposals that have been made on behalf of the British Government, and, in particular, there is no vital change envisaged during the interim period when the Provisional Government will function, in spite of the assurance given in paragraph 23 of the statement. If the independence of India is aimed at, then the functioning of the Provisional Government must approximate closely in fact, even though not in law, to that independence, and all obstructions and hindrances to it should be removed. The continued presence of a foreign army of occupation is a negation of independence.

The statement issued by the Cabinet Delegation and Viceroy contains certain recommendations and suggests a procedure for the building up of a Constituent Assembly, which is sovereign in so far as the framing of the Constitution is concerned. The Committee do not agree with some of these recommendations. In their view it will be open to the Constituent Assembly itslef at any stage to make changes and variations, with the proviso that in regard to certain major communal matters a majority decision of both the major communities will be necessary.

[1] *The Indian Annual Register*, January-June 1946, pp. 162-164.

The procedure for the election of the Constituent Assembly is based on representation in the ratio of one to a million, but the application of this principle appears to have been overlooked in the case of European members of Assemblies, particularly in Assam and Bengal. Therefore, the Committee expect that this oversight will be corrected.

The Constituent Assembly is meant to be a fully elected body, chosen by the elected members of the Provincial Legislatures. In Baluchistan there is no elected Assembly or any other kind of chamber which might elect a representative for the Constituent Assembly. It would be improper for any kind of nominated individual to speak for the whole Province of Baluchistan, which he really does not represent in any way. In Coorg, the Legislative Council contains some nominated members as well as Europeans elected from a special constituency of less than a hundred electors. Only the elected members from the general constituencies should participate in the election.

The statement of the Cabinet Delegation affirms the basic principle of provincial autonomy and residuary powers vesting in the Provinces. It is further said that Provinces sould be free to form groups. Subsequently, however, it is recommended that provincial representatives will divide up into Sections which 'shall proceed to settle the Provincial constitutions for the Provinces in each Section and shall also decide whether any group constitution shall be set up for these Provinces'. There is a marked discrepancy in these two separate provisions, and it would appear that a measure of compulsion is introduced which clearly infringes the basic principle of provincial autonomy. In order to retain the recommendatory character of the statement, and in order to make the clauses consistent with each other, the Committee read paragraph 15 to mean that, in the first instance, the respective Provinces will make their choice whether or not to belong to the Section in which they are placed. Thus the Constituent Assembly must be considered as a sovereign body with final authority for the purpose of drawing up a Constitution and giving effect to it.

The provisions in the statement in regard to the Indian States are vague and much has been left for future decision. The Working Committee would, however, like to make it clear that the Constituent Assembly cannot be formed of entirely disparate elements and the manner of appointing State representatives for the Constituent Assembly must approximate, in so far as it is possible, to the method adopted in the Provinces. The Committee are gravely concerned to learn that even at this present moment some State Governments are attempting to crush the spirit of their people with the help of the armed forces. These recent developments in the States are of great significance in the present and for the future of India, as they indicate that there is no real change of policy on the part of some of the State Governments and of those who exercise paramountcy.

A Provisional National Government must have a new basis and must be a precursor of the full independence that will emerge from the Constituent Assembly. It must function in recognition of that fact, though changes in law need not be made at this stage. The Governor-General may continue as the head of that Government during the interim period, but the Government should function as a Cabinet

responsible to the Central Legislature. The status, powers and composition of the Provisional Government should be fully defined in order to enable the Committee to come to a decision. Major communal issues shall be decided in the manner referred to above in order to remove any possible fear or suspicion from the minds of a minority.

The Working Committee consider that the connected problems involved in the establishment of a Provisional Government and a Constituent Assembly should be viewed together so that they may appear as parts of the same picture and there may be co-ordination between the two, as well as an acceptance of the independence that is now recognised as India's right and due. It is only with the conviction that they are engaged in building up a free, great and independent India, that the working Committee can approach this task and invite the co-operation of all the people of India. In the absence of a full picture, the Committee are unable to give a final opinion at this stage.

17. Supplementary Statement by the Cabinet Mission[1]

25 *May* 1946

The Delegation have considered the statement of the President of the Muslim League dated 22nd May and the resolution dated 24th May of the Working Committee of the Congress.

2. The position is that since the Indian leaders, after prolonged discussions, failed to arrive at an agreement the Delegation put forward their recommendations as the nearest approach to reconciling the views of the two main parties. The scheme stands as a whole and can only succeed if it is accepted and worked in a spirit of co-operation.

3. The Delegation wish also to refer briefly to a few points that have been raised in the statement and resolution.

4. The authority and the functions of the Constituent Assembly and the procedure which it is intended to follow are clear from the Cabinet Delegation's statement. Once the Constituent Assembly is formed and working on this basis there is no intention of interfering with its discretion or questioning its decisions. When the Constituent Assembly has completed its labours, His Majesty's Government will recommend to Parliament such action as may be necessary for the cession of sovereignty to the Indian people, subject only to two matters which are mentioned in the statement and which, we believe, are not controversial, namely, adequate provision for the protection of the minorities (paragraph 20 of the statement) and willingness to conclude a treaty with His Majesty's Government to cover matters arising out of the transfer of power (paragraph 22 of the statement).

5. It is a consequence of the system of election that a few Europeans can be elected to the Constituent Assembly. Whether the right so given will be exercised is a matter for them to decide.

6. The representative of Baluchistan will be elected in a joint meeting of the Shahi Jirga and the non-official members of the Quetta Municipality.

[1]Papers Relating to the Cabinet Mission to India, Manager of Publications, Delhi, 1946, pp. 24-25.

7. In Coorg the whole Legislative Council will have the right to vote, but the official members will receive instructions not to take part in the election.

8. The interpretation put by the Congress resolution on paragraph 15 of the statement, to the effect that the provinces can in the first instance make the choice whether or not to belong to the Section in which they are placed, does not accord with the Delegation's intentions. The reasons for the grouping of the Provinces are well known and this is an essential feature of the scheme and can only be modified by agreement between the parties. The right to opt out of the groups after the constitution-making has been completed will be exercised by the people themselves, since at the first election under the new provincial Constitution this question of opting out will obviously be a major issue and all those entitled to vote under the new franchise will be able to take their share in a truly democratic decision.

9. The question of how the States representatives should be appointed to the Constituent Assembly is clearly one which must be discussed with the States. It is not a matter for decision by the Delegation.

10. It is agreed that the Interim Government will have a new basis. That basis is that all portfolios including that of the War Member will be held by Indians and that the members will be selected in consultation with the Indian political parties. These are very significant changes in the Government of India and a long step towards independence. H.M.G. will recognise the effect of these changes, will attach the fullest weight to them and will give to the Indian Government the greatest possible freedom in the exercise of the day-to-day administration of India.

11. As the Congress statement recognises, the present Constitution must continue during the interim period; and the Interim Government cannot, therefore, be made legally responsible to the Central Legislature. There is, however, nothing to prevent the members of the Government, individually or by common consent, from resigning, if they fail to pass an important measure through the Legislature or if a vote of non-confidence is passed against them.

12. There is, of course, no intention of retaining British troops in India against the wish of an independent India under the new Constitution; but during the interim period, which it is hoped will be short, the British Parliament has under the present Constitution the ultimate responsibility for the security of India and it is necessary, therefore, that British troops should remain.

18. Letter from Master Tara Singh to Lord Pethick-Lawrence re: the Position of Sikhs under the Cabinet Mission Plan[1]

25 *May* 1946

Since the British Cabinet Mission's recommendations for the future constitution of India have been published, a wave of dejection, resentment and indignation has run throughout the Sikh community. The reasons are quite obvious.

[1] *Ibid.*, p. 61.

The Sikhs have been entirely thrown at the mercy of the Muslims. Group B comprises the Punjab, the N.W.F. Province, Sind and Baluchistan; and the representatives given to each community will be Muslims 23, Hindus 9 and Sikhs 4. Can anybody expect from this assembly, constituted as it is, any consideration of justice for the Sikhs? The Cabinet Mission recognises "the very genuine and acute anxiety of the Muslims lest they should find themselves subjected to a perpetual Hindu majority rule". But is there no "genuine and acute anxiety" among the Sikhs lest they find themselves subjected to a perpetual Muslim majority rule? If the British Government is not aware of the Sikh feelings, the Sikhs will have to resort to some measures in order to convince everybody concerned of the Sikh anxiety, in case they are subjected to a perpetual Muslim domination. The Cabinet Mission has not only put under Muslim domination the non-Muslim areas of the Punjab and Bengal, but the whole Province of Assam where the non-Muslims are in overwhelming majority. This is evidently done to placate the Muslims. If the first consideration of the Cabinet Mission's recommendations is to give protection to the Muslims, why should the same consideration be not shown for Sikhs. But it appears that the Sikhs have been studiously debarred from having any effective influence in the province, a group or Central Union. I refer to Section 15 (2) and Section 19(7) in which it has been definitely provided that the majority of both the Hindus and Muslims is necessary for certain purposes. The Sikhs are entirely ignored, though they are as much concerned as the other communities.

This is how I read the recommendations of the Cabinet Mission. But as the issues are very grave and momentous the Sikh representatives assembled here today to consider the situation created, has advised me to seek clarification from you and find out if there is any hope of such amendments as may save the Sikhs from perpetual domination.

So I put three questions:-

(1) What is the significance of recognising the Sikhs as one of "the main communities"?

(2) Suppose the majority of Section B frames a constitution under Section 19 (5) but the Sikh members do not agree. Does it mean deadlock or does the opposition of the Sikh members mean simply disassociation?

(3) Is there any hope of obtaining for the Sikhs the same right as is given to the Muslims and the Hindus under Section 15(2) and 19(7)?

19. Reply from Lord Pethick-Lawrence to Master Tara Singh[1]

1 *June* 1946

Thank you for your letter of 25th May.

The anxieties of the Sikhs were kept prominently in mind when we were drafting the Cabinet Mission's statement and I can certainly claim that of the various alternatives open to us the best one from the Sikh point of view was chosen. You will, I am sure, admit that if India had been divided into two sovereign states,

[1] *Ibid.*, pp. 61-62.

or if the Punjab had been partitioned, either of these decisions would have been far less acceptable to the Sikhs than the one which was actually reached.

I have considered carefully the detailed points you raise at the end of your letter. I fear the Mission cannot issue any addition to, or interpretation of, the statement. There is, however, no intention whatever to prejudice the position of the Sikhs in the Punjab or in the North-West Group, nor do I think their position has been prejudiced, for it is inconceivable that either the Constituent Assembly or any future Government of the Punjab will overlook the special place in the Province of the Sikhs. The estimate of the importance of your community would never depend on the number of seats that you held in the Constituent Assembly. The Viceroy has told me that he will be glad, in view of the anxieties you have expressed on behalf of your community, to discuss the position of the Sikhs specially with the leaders of the main parties when the Constituent Assembly has been formed; he hopes he may be able to persuade them, if persuasion is needed, that the interests of the Sikhs should on no account be overlooked.

If you and Sardar Baldev Singh would care to see the Cabinet Mission and the Viceroy in the first week of June, we shall be glad to see you.

20. Letter from Lord Wavell to M.A. Jinnah.[1]

4 *June* 1946

Personal and Confidential

You asked me yesterday to give you an assurance about the action that would be taken if one party accepted the scheme in the Cabinet Delegation's statement of the 16th May, and the other refused.

2. I can give you on behalf of the Cabinet Delegation my personal assurance that we do not propose to make any discrimination in the treatment of either party; and that we shall go ahead with the plan laid down in the statement so far as circumstances permit if either party accepts; but we hope that both will accept.

3. I should be grateful if you would see that the existence of this assurance does not become public. If it is necessary for you to tell your Working Committee that you have an assurance, I should be grateful if you would explain to them this condition.

21. Resolution of the Muslim League Council on the Cabinet Mission Plan[2]

6 *June* 1946

This meeting of the Council of the All India Muslim League, after having carefully considered the statement issued by the Cabinet Mission and His Excellency the Viceroy on the 16th May 1946, and other relevant statements and documents officially issued in connection therewith, and after having examined the proposals set forth in the said statement in all their bearings and implications,

[1] *Ibid.*, p. 36.

[2] *Resolutions of the All India Muslim League from January 1944 to December 1946*, published by Mr. Liaqaut Ali Khan, M.A. (Oxon), Honorary Secretary, All India Muslim League, pp. 49-51.

places on record the following views for the guidance of the nation and direction of the Working Committee.

That the references made and the conclusions recorded in paragraphs 6, 7, 8, 9, 10 and 11 of the Statement concerning the Muslim demand for the establishment of a fully sovereign Pakistan as the only solution of the Indian constitutional problem are unwarranted, unjustified, and unconvincing, and should not therefore have found a place in a state document issued on behalf and with the authority of the British Government.

These paragraphs are couched in such a language, and contain such mutilations of the established facts, that the Cabinet Mission have clearly been prompted to include them in their Statement solely with the object of appeasing the Hindus, in utter disregard of Muslim sentiments. Furthermore, the contents of the aforesaid paragraphs are in conflict and inconsistent with the admissions made by the Mission themselves in paragraphs 5 and 12 of their Statement, which are to the following effect:

First, the Mission "were greatly impressed by the very genuine and acute anxiety of the Muslims lest they should find themselves subjected to perpetual Hindu-majority rule".

Secondly "this feeling has become so strong and widespread amongst the Muslims that it cannot be allayed by mere paper safeguards". Thirdly, "If there is to be internal peace in India it must be secured by measures which will assure to the Muslims a control in all matters vital to their culture, religion, economic or other interests".

And Fourthly, "Very real Muslim apprehensions exist that their culture and political and social life might become submerged in a purely unitary India, in which Hindus, with their greatly superior numbers, must be the dominating element".

In order that there may be no manner of doubt in any quarter, the Council of the All-India Muslim League reiterates that the attainment of the goal of a completely sovereign Pakistan still remains the unalterable objective of the Muslims of India, for the achievement of which they will, if necessary, employ every means in their power, and consider no sacrifice or suffering too great.

That, notwithstanding the affront offered to Muslim sentiments by the choice of injudicious words in the preamble of the Statement of the Cabinet Mission, the Muslim League, having regard to the grave issues involved, and prompted by its earnest desire for a peaceful solution, if possible, of the Indian constitutional problem, and inasmuch as the basis and the foundation of Pakistan are inherent in the Mission's Plan by virtue of the compulsory grouping of the six Muslim Provinces in Sections B and C, is willing to co-operate with the constitution-making machinery proposed in the scheme outlined by the Mission, in the hope that it would ultimately result in the establishment of a completely sovereign Pakistan, and in the consummation of the goal of independence for the major nations, Muslims and Hindus, and all the other people inhabiting this vast subcontinent.

It is for these reasons that the Muslim League is accepting the scheme and will join the constitution-making body, and it will keep in view the opportunity

and the right of secession of Provinces or groups from the Union, which have been provided in the Mission's Plan by implication. The ultimate attitude of the Muslim League will depend on the final outcome of the labours of the constitution-making body, and on the final shape of the constitutions which may emerge from the deliberations of that body joinlty and separately in its three Sections.

The Muslim League also reserves the right to modify and revise the policy and attitude set forth in this resolution at any time during the progress of deliberations of the constitution-making body, or the Constituent Assembly, or thereafter, if the course of events so require, bearing in mind the fundamental principles and ideals hereinbefore adumbrated, to which the Muslim League is irrevocably committed.

That with regard to the arrangement for the proposed Interim Government at the Centre, this Council authorises its President to negotiate with His Excellency the Viceroy and to take such decisions and actions as he deems fit and proper.

22. 'The Statesman' on the Muslim League's Acceptance of the Cabinet Mission's Plan[1]

Ten days ago, disheartening signs of retrogression in Indian politics were discernible. By far the most hopeful approach yet made towards full self-government—the May 16 proposals by the British Cabinet Mission—seemed slipping back into the familiar bog of negation. Then optimism revived. A fresh advance began when Mr Jinnah in Simla talked of an end to quarrels, of the need for amicable settlement. Smaller encouraging happenings soon ensued. The next day, it was learnt via Madras that dates had been nearly settled for electing the Constituent Assembly. Then it emerged that the Assam Ministry, chief opponent to the proposal of grouped Provinces, was itself divided on that point. Mr Gandhi in recent days has twice again referred in cordial terms to the Cabinet Mission's sincerity, on the second occasion with less qualification than the first. Now, greatest and most positive encouragement of all, the Council of the Muslim League, the Parliament of the Muslim nation, as Mr Jinnah proudly calls it, has in decisive manner agreed to accept the proposals.

Though the League emphasizes that it has not given up its hope of a sovereign, undivided Pakistan, and intends to work for it during the next ten years, it has sturdily adopted the Cabinet Mission's scheme as second best. Experience may later show that choice to be, for Muslims, as least as good as the thing aimed at itself. This big forward-moving decision cannot have been easily reached. The League dislikes the division of predominantly Muslim areas into two zones, still somewhat dislikes the notion of a Union Centre at all, dislikes more the arrangement for one Union Constituent Assembly, and especially dislikes the powers given to the chairman of that body. But practical good sense has prevailed—that and the admirable leadership of Mr Jinnah who, rising to the magnitude of a historic turning-point in Indian affairs, has amply justified the confidence that Muslims place

[1]Leading article in *The Statesman*, Calcutta, 7 June 1946.

in him. He has fought a long, often bitter battle; his tactics have been at times so harsh that he has seemed irreconcilable; but with fine strategic judgment he has realized the right moment for an end to quarrelling, and this time has taken the initiative in boldly constructive courses.

Next comes the opportunity of the Congress. To many Congressmen as such, to Hindus generally and to the minorities, some of whom (such as the Sikhs) are sour in their disappointment, the proposals seem far from perfect. So they did, and do, to many Muslims. Capacity for compromise having however been shown on one side, it should not be found wanting on the other. Facts must be faced. The Simla conference having failed, the Cabinet Mission's plan provides the only direct and unbloodly road to Indian self-government. Chaos and bitter suffering for the common people lie along all other discernible paths. To the ordinary man, Hindu, Muslim, Sikh, Scheduled Caste, whatever he may be, the May 16 proposals present a ready way out of frustration which had threatened to become permanent. Citizenship of an independent country at so small a price of compromise, is a benefit hard to parallel. Millions of lowly non-political folk, yearning for assured peace and tolerable prosperity, now look hopefully to those who have to take the remaining decisions.

23. Pyarelal on Gandhi's Attitude to the Grouping Clause[1]

New Delhi, 23 *June* 1946

In the Working Committee meeting in the afternoon Bapu [Gandhi] put forth his emphatic view that the Congress should keep out of the Interim Government but go into the Constituent Assembly as it was purely an elective body whose representative character was admitted even by the British Government. The Viceroy could not interfere with its working—he could not even sit in it as a matter of right. If the worst came to the worst, it could be turned into a rebel body....In the alternative, he saw no possibility of giving a fight, as the requisite atmosphere of non-violence was not forthcoming. Personally, he could not even think of launching civil disobedience, etc.

While he was proceeding in this strain, Rajendra Babu read out a telegram which he had received from Assam, drawing attention to the form which the Viceroy's Reform Office had issued to the Speakers of the various Provincial Assemblies for the election of members to the Constituent Assembly. Among other things it required the candidates to declare that they would be "willing to serve as representatives of the Provinces for purposes of paragraph 19 of the statement" of 16th May of the Cabinet Mission. Para 19 contained the disputed clauses relating to the formation of groups. The Sardar [Patel] also had received a similar message from B.G. Kher, the Chief Minister of Bombay. If the Congress candidates signed the declaration would it not commit them to the principle of grouping and voting in the Section, as laid down in para 19? On reading the text Bapu exclaimed: "Even the Constituent Assembly plan now stinks. I am afraid, we cannot touch it."

[1]*Mahatma Gandhi—The Last Phase*, Volume I, Navajivan Publishing House, Ahmedabad, February 1956, pp. 234-235.

24. Sudhir Ghosh on How the Congress Decision about the Cabinet Mission Plan Changed[1]

On 22nd June, with Congress Working Committee's decision not to enter into the Interim Government becasue of the Viceroy's refusal to accept a Congress Muslim amongst the Congress nominees, everything seemed to have crumbled.... In the evening of that day they [Cripps and Pethick-Lawrence] sent for me and asked me if I could think of anything that would salvage something out of the wreckage around them. As we were talking in subdued voices, sitting in the living-room of No. 2 Willingdon Crescent, A.V. Alexander the third member of the Mission walked in. He was passing through the room and as he saw me there he stopped abruptly and, wagging his forefinger at me, this rough diamond of a man, who had risen from the position of office messenger to that of First Lord of the Admiralty, said: 'Ah, here is the man I have been looking for. We have been sweating for three months in the damnable heat of your country to help you to take over power from us; and what do we get in return for all our labour? A lot of filthy suspicion about our *bonafides?* And, pray, what have we done to deserve that? It is your old man who has wrecked all our effort. Your old man has gone back on his word of honour. He gives us an assurance that there would be no Muslim in the Congress team in the Government. He gives that assurance in writing. And then he backs out of it. I call that a pretty poor show.'

Albert Alexander was obviously very angry with Gandhiji but I was puzzled to hear about this extraordinary accusation that Gandhiji had given them an assurance that there would be no Congress Muslim in the Interim Government. So I asked Cripps and Pethick-Lawrence what this outburst was all about. Cripps said, 'Well, Sudhir, there is a letter that the Maulana wrote to the Viceroy. He did say in this letter that he would see to it that no Muslim name was included in the Congress list, and if his own name was proposed he would not agree to the inclusion of his name.'...

In the course of this conversation I told Cripps and Pethick-Lawrence that the only advice I could give them about salvaging something out of the wreckage was that they should have a private talk with Sardar Vallabhbhai Patel, who was the only man amongst the Congress leaders who was a practical statesman; he was not swayed by emotion....

*

The half an hour's discussion that followed at 2 Willingdon Crescent, made history. Sir Stafford Cripps and Mr A.V. Alexander joined us. This was the first time that the Cabinet Mission met Vallabhbhai alone; they had only seen him as a member of a team of Congress negotiators headed by Maulana Azad in Simla. ...The Secretary of State said that he had seen reports in the newspapers that the Congress Working Committee had decided to reject the Viceroy's proposals announced on 16th June, for the formation of an Interim Government, and it had already indicated its dissatisfaction with the long-term proposal for constitution-making, as announced by the Mission on 16th May, although the Mission had not yet received

[1] *Gandhi's Emissary*, Rupa & Co., Calcutta, Allahabad, Bombay, 1967, pp. 166-171.

the formal letter of rejection. After the Congress Party had sent in their rejection of both, which seemed imminent, the position officially would be that the Muslim League had accepted the long-term plan of constitution-making, and was only too willing to come into the Interim Government while Congress had rejected both and, logically, it would become necessary for the Viceroy to ask the Muslim League to form a Government....

At this stage, I intervened to point out that surely Gandhiji's real objection was to Congress joining the Government on the basis of 'parity' with the League and without a Congress Muslim amongst its nominees, for he would not allow Congress to reduce itself to the status of being the organization representing the Hindus of India; but he did not have a similar strong objection to the long-term plan for constitution-making. Surely his misgivings with regard to paragraph 19 of the 16th May Statement dealing with the grouping of provinces could be removed by the Mission, and his other objection with regard to the Europeans in India (who had a number of seats in the provincial Assemblies) getting some seats in the Constituent Assembly could be removed if the British Government told the Europeans informally but firmly that they were not to exercise their voting right; the Europeans in India would not dare disobey the British Government. Vallabhbhai liked this argument and pointed out to the Mission that if they could scrap the whole discussion that had taken place with all parties on the subject of forming an Interim Government, and if the Mission would give Gandhiji satisfactory assurances about the two points I had raised, then he thought he could persuade the Congress Working Committee to accept the long-term proposals for constitution-making and the matter of forming an Interim Government could be settled on a clean slate at a later date. This threw a new light on the atmosphere of darkness. Sir Stafford Cripps quickly drafted a sentence on a piece of paper and showed it to Sardar: Read 'for the purposes of the declaration of May 16' in place of 'for purposes of para 19 of the declaration of May 16'. Paragraph 19 of the state paper dealt with the grouping of provinces, and the Government had issued a form of pledge to the speakers of the State Legislatures to be signed by candidates seeking election to the Constituent Assembly; the wording of these forms showed that the candidates were seeking election to the Constitution-making body for the purposes of paragraph 19 of the Cabinet Mission's statement of 16th May, which caused the suspicion that every member was being committed to the formation of groups of provinces and they were not free agents in this matter. The elucidation suggested by Sir Stafford Cripps would make it clear that the pledge that Members of the Constituent Assembly had to sign would require them only to co-operate in framing a Constitution for India. The Mission also gave Vallabhbhai the assurance that they would see to it that the Europeans in the State Legislatures did not put up candidates or participate in the voting for election to the Constituent Assembly. Vallabhbhai Patel felt that on the strength of these two things he could persuade Congress to accept the long-term proposals for Constitution-making while rejecting the short-term plan for forming an Interim Government. Cripps and Pethick-Lawrence were grateful to Sardar. They decided that they would meet Gandhiji after Sardar had spoken to him about this discussion.

The next job was to satisfy Gandhiji. Sardar reported to Gandhiji the conversation he had with the British Ministers. Mr Pyarelal has recorded in his book, the following paragraph from his diary, dated 24th June 1946:

"In the morning today when Sudhir came to see Bapu he said that last night he had seen Cripps. The latter had told him that they had decided that if Congress accepted the long-term plan and rejected the short-term proposal, all that the Cabinet Mission had done under the 16th June declaration for the formation of an Interim Government would be scrapped and an attempt made *de novo* for the same. They invited Bapu and Sardar to meet them. They seem to have made up their minds to clear up the mess created by the assurances given to Jinnah by Lord Wavell. At seven a.m. Bapu accompanied by Sardar and Sudhir went to meet the Cabinet Mission."

25. Jawaharlal Nehru on the Scope of the Powers of the Proposed Central Government[1]

10 *July* 1946

(In reply to a request for amplification of the statement made in the All-India Congress Committee to the effect that Congress had made no commitment with regard to either the long-term or the short-term plan of the Cabinet Mission—except to enter the Constituent Assembly.) If you read the correspondence that has passed between the Congress President and the Cabinet Mission and the Viceroy you will see (under) what conditions and circumstances we agreed to go into this Constituent Assembly. The first thing is we have agreed to go into (it) and we have agreed to nothing else. It is true that in going (into) the Constituent Assembly, inevitably, we have agreed to a certain process of going into it, that is, elections of the candidates to the Constituent Assembly. What we do there, we are entirely and absolutely free to determine. We have committed ourselves (on) no single matter to anybody. Naturally even though one might not agree to commit oneself, there is a certain compulsion of facts which makes one accept this thing or that thing. I do not know what that might be in a particular context. But the nature of compulsion of facts would be not of the British Government's desires or intents but how to make the Assembly a success and how to avoid its breaking up. That will be certainly a very important consideration. But the British Government does not appear there at all.

(With respect to the Congress statement that the Constituent Assembly was a sovereign body.) The Cabinet Mission's reply was....more or less 'yes', subject to two considerations: (First), proper arrangement for minorities and (second), a treaty between India and England. I wish the Cabinet Mission had stated that both these matters are not controversial. It is obvious the minorities question has to be settled satisfactorily. It is also obvious that if there is any kind of peaceful change-over in India, it is bound to result in some kind of treaty with Britain.

[1]From Press Conference, as reproduced in *Nehru: The First Sixty Years,* selected and edited by Dorothy Norman, Volume Two, Asia Publishing House, Bombay, 1965, pp. 236-239.

What exactly that treaty will be I cannot say. But if the British Government presumes to tell us that they are going to hold anything in India. . . .because they do not agree either in regard to. . . .minorities or. . . .to a treaty, we shall not accept that position. It will become a *casus belli.* We shall have no treaty if they seek to impose anything upon us, and we shall tear up any treaty they try to impose. If they treat us as equals and come to terms there will be a treaty. But if there is the slightest attempt at imposition, we shall have no treaty.

In regard to. . . .minorities, it is our problem and we shall, no doubt, succeed in solving it. We (shall) accept no outside interference—...certainly not the British Government's interference—...and therefore, these two limiting factors to the sovereignty of the Constituent Assembly are not accepted by us.

How to make the job in the Constituent Assembly a success or not is the only limiting factor. It does not make the slightest difference what the Cabinet Mission thinks or does in the matter.

(Asked when the Provisional National Government would be formed at the Centre.) I cannot just peep into the future and tell what is going to happen. For the moment we are somewhat engaged in Constituent Asesmbly elections. But remember. . . .that the Constituent Assembly is not going to put easily for long with the kind of Caretaker Government that exists today. There is bound to be conflict. . . .In fact, the Caretaker Government has no stability, nor is there any possibility of its long continuance. . . .How and when and what shape the new Government will take I cannot say. . . .

(Of the forthcoming All-India Muslim League Council meeting at Bombay.) Whatever the Congress does is always intended to create new situations. We do not follow other people's situations. I am glad that the Muslim League has realized that we have created a new situation. We propose to create many further new situations. What we shall do if the League decides to do this or that we will see what the conditions then are and decide accordingly. . . .

(Of the powers of the proposed Union Centre.) According to the Cabinet Mission's proposals there were three or four basic subjects in it, *i.e.,* Defence, Foreign Affairs, Communications and the power to raise finances for these. Obviously, Defence and Communications have a large number of industries behind them. So these industries inevitably come under the Union Government and they are likely to grow. Defence is such a wide subject that it tends to expand its scope and activities more and more. All that comes under the Union Government.

Similarly, External Affairs inevitably include foreign trade policy. You cannot have foreign policy if you divorce foreign trade from it. (External Affairs) include all manner of things. . . .

(Referring to the question of raising finances for the Union.) No Central Government carries on on doles. . . .Inevitably. . . .any Central Government must raise its finances by taxation. I cannot make a list now, but obviously Customs, including tariffs, is bound to be one (tax). In fact, tariff is connected with foreign trade policy. It may be (that) income tax will be another. I do not know what else. . . .

Suppose there is trouble between the Provinces or States, or an economic break-down due to famine conditions....The Centre comes in again, inevitably. However limited the Centre might be you cannot help (its) having wide powers, because the past few years have shown that if there were no central authority.... conditions would have been far worse in India. However, the fact that there has been a central authority has not done much good to the country, because it has been incompetent. It is obvious tha without a central authority you cannot deal with the problems mentioned above. There must be some over-all power to intervene in grave (crises), breakdown of the administration or economic break-down or famine. The scope of the Centre, even though limited, inevitably grows, becaus e i cannot exist otherwise.

26. Arthur Moore on the Acceptance of the Cabinet Mission Plan by the Congress[1]

The Moslem case has largely gone by default with the public because the Moslems have hardly any Press in India, whereas there are numerous great daily newspapers owned and staffed by Hindus; and newspapers in British ownership as well as international news agencies have to recruit from a journalistic pool where Hindus predominate, because in pre-nationalistic days they studied the language and literature of their new Western masters. The Moslems, resenting the decline of the Moghuls and their replacement by the British, and preferring their own Arabic and Persian culture, discouraged Western education.

The extraordinary result is that Congress to-day is able without much challenge from any quarter to represent the League as the obstacle to the Cabinet Mission's plan, and itself as the only body which has accepted it and wishes to carry it out. Precisely the reverse is the case. The Congress has never accepted the Mission's plan, and its purpose in insisting on a meeting of the Constituent Assembly while the Moslems are in a mood to boycott that Assembly is to defeat the plan.

The issue should be tested. The League, even after it had quarrelled with the Cabinet Mission because the latter had openly deviated from its own plan, wisely decided not to boycott the elections for the Constituent Assembly, and it will be equally well advised eventually to go to that Assembly and, under Mr. Jinnah's leadership, to keep the true issue steadily to the front. The League is in a stronger position regarding the Constituent Assembly now than it was in the summer when Assam and Bengal together presented a note of interrogation, as since then Mr. Fazlul Haq, the Congress hope in Bengal, has deserted them and joined the Moslem League.

The Congress Working Committee was the first to meet for consideration of the plan, and on May 24th passed a resolution expressing disagreement with the Mission's plan, and substituting a revised edition of it. Instead of 'proposing' this revised edition, they put it forward as an order, something that must be accepted:

[1]From article, "Wishful Thinking about India," published in, *The Nineteenth Century*, London, January 1947, pp. 11-13.

"The statement issued by the Cabinet Delegation and the Viceroy contains certain recommendations and suggests a procedure for the building up of a Constituent Assembly which is sovereign in so far as the framing of the constitution is concerned. The Committee do not agree with some of these recommendations. In their view it will be open to the Constituent Assembly itself at any stage to make changes and variations with the proviso that in regard to certain major communal matters a majority decision of both the major communities will be necessary."

As regards the provincial sections, the Congress laid down a new procedure designed expressly to wreck at the outset the possibility of a federal Pakistan. To do this they proposed to interpret the language of the Mission's statement in a sense which they themselves implied it does not bear:

"In order to retain the recommendatory character of the Statement, and in order to make the clauses consistent with each other, the Committee read paragraph 15 to mean that, in the first instance, the respective provinces will make their choice whether or not to belong to the section in which they are placed."

Next day, May 25th, the Mission promptly replied that "the interpretation put by the Congress resolution on para. 15 does not accord with the Delegation's intentions." They also replied that "the present Constitution must continue during the interim period," and that "the scheme stands as a whole and can only succeed if it is accepted and worked in a spirit of co-operation." That plainly meant that it was not open to the Congress to separate the short-term plan from the long-term plan; to refuse to join in the interim Government while professing to accept the proposals for the Constituent Assembly. Yet that is precisely what the Congress did in June. It refused to join the interim Government, and accepted not the Mission's plan for the Constituent Assembly, but its own revision of that plan.

The Moslem League Council met on June 5th. Mr. Jinnah expressed strong Moslem resentment at the Mission's rejection of a sovereign Pakistan and the arguments given for this rejection; but he recommended the acceptance of the plan for the sake of peace and as a second best, welcoming the arrangements for provincial grouping on the ground that in these lay the foundation and basis for a Pakistan. Next day the League Council accepted the Mission's plan, both long term and short term, in its entirely, without qualification.

Mr. Jinnah and the League were well aware that they were accepting a compromise and agreeing to enter an all-India federation. I discussed this with Mr. Jinnah the following day, June 7th, and he referred to the grouping of B and C provinces in the first instance, and their inclusion for specific purposes in an all-India frame as a new experiment, and 'a federation within a federation.'

That, surely, was the golden moment for everybody to shake hands all round. The essential unity of India was there to be secured had Congress offered its hand. Unfortunately there was a failure of generosity. Neither from the Cabinet Mission nor from the Congress, publicly at any rate, came one word of congratulation or any recognition of what it had cost the Moslem League to abandon, even temporarily, its platform of an independent Pakistan. The only evident response

was a derisive outburst in the Hindu press, accompanied by insulting cartoons, proclaiming the defeat and surrender of the League, and determination to follow up this victory by another, and force the Mission to yield in all points to Congress demands.

27. Resolutions of the Muslim League Council Withdrawing Acceptance of the Cabinet Mission Plan[1]

29 *July* 1946

Resolution No. 1

On the 6th of June 1946, the Council of the All-India Muslim League accepted the scheme embodied in the statement of the Cabinet Delegation and the Viceroy dated 16th May 1946 and explained by them in their statement dated 25th May 1946. The scheme of the Cabinet Delegation fell far short of the demand of the Muslim nation for the immediate establishment of an independent and fully sovereign State of Pakistan comprising the six Muslim Provinces, but the Council accepted a Union Centre for ten years strictly confined to three subjects, viz. Defence, Foreign Affairs and Communications, as the scheme laid down certain fundamentals and safeguards and provided for the grouping separately of the six Muslim Provinces in Sections B and C for the purpose of framing their provincial and group constitutions unfettered by the Union in any way; and also with a view to end the Hindu-Muslim deadlock peacefully and accelerate the attainment of freedom of the peoples of India. In arriving at this decision, the Council was also greatly influenced by the statement of the President which he made with the authority of the Viceroy that the Interim Government, which was an integral part of the Mission's scheme, was going to be formed on the basis of a formula, viz. 5 Muslim League, 5 Congress, 1 Sikh and 1 Indian Christian or Anglo-Indian stipulating that the most important portfolios would be distributed equally between the two major parties, the Muslim League and the Congress. The Council authorized the President to take such decision and action with regard to further details of setting up the Interim Government as he deemed fit and proper. In that very resolution the Council also reserved the right to modify and revise this policy, if the course of events so required.

The British Government committed a breach of faith with the Muslim League in that the Cabinet Delegation and the Viceroy went back on the original formula of 5:5:2 for setting up of the Interim Government to placate the Congress.

Having gone back on the original formula upon the faith of which the Muslim League Council had come to their decision on the 6th of June, the Viceroy suggested a new basis of 5:5:3 and, after carrying on considerable negotiations with the Congress and having failed to get the Congress to agree to it, intimated to the parties on the 15th of June that he and the Cabinet Delegation would issue

[1] *Resolutions of the All India Muslim League from January 1944 to December 1946*, published by Mr. Liaquat Ali Khan, M.A. (Oxon), Honorary Secretary All India Muslim League, pp. 55-61.

their final statement with regard to the setting up of the Interim Government.

Accordingly on the 16th of June the President of the Muslim League received a statement embodying what was announced to be the final decision for setting up the Interim Government by the Viceroy, making it clear that if either of the two major parties refused to accept the statement of June 16, the Viceroy would proceed to form the Interim Government with the major party accepting it and such other representatives as were willing to join. This was explicitly laid down in paragraph 8 of the statement of June 16.

Even this final decision of the Cabinet Mission of the 16th of June with regard to the formation of the Interim Government was rejected by the Congress, whereas the Muslim League definitely accepted it. Though this proposal was different from the original formula of 5:5:2, the Muslim League accepted it because the Viceroy had provided safeguards and given other satisfactory assurances which were contained in his letter dated the 20th of June 1946, addressed to the President of the Muslim League.

The Viceroy, however, scrapped the proposal of the 16th of June and postponed the formation of the Interim Government on the plea concocted by the "legalistic talents" of the Cabinet Mission putting a most fantastic and dishonest construction upon paragraph 8 of the statement to the effect that as both the major parties, *i.e.* the Muslim League and the Congress, had accepted the statement of May 16, the question of the Interim Government could only be taken up in consutation with the representatives of both the parties *de novo*.

Even assuming that this construction was tenable, for which there is no warrant, the Congress, by their conditional acceptance with reservations and interpretations of their own as laid down in the letter of the President of the Congress dated the 25th of June and the resolution of the Working Committee of the Congress passed at Delhi on the 26th of June, repudiating the very fundamentals of the scheme had, in fact, rejected the statement of the 16th of May and there was therefore no justification, whatsoever, for abandoning the final proposals of the 16th of June.

As regards the proposal embodied in the statements of the 16th and 25th of May of the Cabinet Delegation and the Viceroy, the Muslim League alone of the two major parties has accepted it.

The Congress have not accepted it because their acceptance is conditional and subject to their own interpretation which is contrary to the authoritative statements of the Delegation and the Viceroy issued on the 16th and the 25th of May. The Congress have made it clear that they do not accept any of the terms or the fundamentals of the scheme but that they have agreed only to go into the Constituent Assembly and to nothing else; and that the Constituent Assembly is a sovereign body and can take such decisions as it may think proper in total disregard of the terms and the basis on which it was proposed to be set up. Subsequently this was made further clear and beyond any doubt in the speeches that were made at the meeting of the All-India Congress Committee in Bombay on the 6th of July by prominent members of the Congress and in the statement of Pandit Jawaharlal Nehru, the President of the Congress, to a press conference on the 10th July in

Bombay and then again even after the debate in the Parliament in a public speech by him at Delhi on the 22nd of July.

The result is that of the two major parties. the Muslim League alone has accepted the statements of May 16th and 25th according to the spirit and the letter of the proposals embodied therein and in spite of the attention of the Secretary of State for India having been drawn to this situation by the statement of the President of the Muslim League of 13th July from Hyderabad, Deccan, neither Sir Stafford Cripps in the House of Commons, nor Lord Pethick-Lawrence in the House of Lords, in the course of the recent debate, have provided or suggested any means or machinery to prevent the Constituent Assembly from taking decisions which would be *ultra vires* and not competent for the Assembly to do so. The only reference that the Secretary of State made to this serious situation was a mere expression of pious hope when he stated that "that would not be fair to the other parties who go in."

Once the Constituent Assembly was summoned and met, there was no provision or power that could prevent any decision from being taken by the Congress, with its overwhelming majority, which would not be competent for the Assembly to take or which would be *ultra vires* of it, and however repugnant it might be to the letter or the spirit of the scheme. It would rest entirely with the majority to take such decisions as they may think proper or suit them and the Congress have already secured by sheer numbers an overwhelming Hindu-Caste majority whereby they will be in a position to use the Assembly in the manner in which they have already declared, *i.e.* that they will wreck the basic form of the grouping of the provinces and extend the scope, powers and subjects of the Union Centre which is confined strictly to three specific subjects as laid down in paragraph 15 and provided for in paragraph 19 of the statement of 16th May.

The Cabinet Delegation and the Viceroy collectively and individually have stated on more than one occasion that the basic principles were laid down to enable the major parties to join the Constituent Assembly and that the scheme cannot succeed unless it is worked in a spirit of co-operation. The attitude of the Congress clearly shows that these conditions precedent for the successful working of the constitution-making body do not exist. This fact, taken together with the policy of the British Government of sacrificing the interests of the Muslim nation and some other weaker sections of the peoples of India, particularly the Scheduled Castes, to appease the Congress and the way in which they have been going back on their oral and written solemn pledges and assurances given from time to time to the Muslims, leaves no doubt that in these circumstances the participation of the Muslims in the proposed constitution-making machinery is fraught with danger and the Council, therefore, hereby withdraws its acceptance of the Cabinet Mission's proposals which was communicated to the Secretary of State for India by the President of the Muslim League on the 6th of June 1946.

Resolution No. 2

Whereas the Council of the All-India Muslim League has resolved to reject the proposals embodied in the statement of the Cabinet Delegation and

the Viceroy dated 16th May 1946 due to the intransigence of the Congress on the one hand and the breach of faith with the Muslims by the British Government on the other; and

whereas Muslim India has exhausted without success all efforts to find a peaceful solution of the Indian problem by compromise and constitutional means; and

whereas the Congress is bent upon setting up Caste-Hindu Raj in India with the connivance of the British; and

whereas recent events have shown that power politics and not justice and fair play are the deciding factors in Indian affairs; and

whereas it has become abundantly clear that the Muslims of India would not rest contented with anything less than the immediate establishment of an independent and fully sovereign State of Pakistan and would resist and attempt to impose any constitution-making machinery or any constitution, long-term or short-term, or the setting up of any Interim Government at the Centre without the approval and consent of the Muslim League;

the Council of the All-India Muslim League is convinced that now the time has come for the Muslim Nation to resort to Direct Action to achieve Pakistan to assert their just rights, to vindicate their honour and to get rid of the present British slavery and the contemplated Caste-Hindu domination.

This Council calls upon the Muslim Nation to stand to a man behind their sole representative and authoritative organization, the All-India Muslim League, and to be ready for every sacrifice.

This Council directs the Working Committee to prepare forthwith a programme of Direct Action to carry out the policy enunciated above and to organize the Muslims for the coming struggle to be launched as and when necessary.

As a protest against and in token of their deep resentment of the attitude of the British, this Council calls upon the Mussalmans to renounce forthwith the titles conferred upon them by the alien Government.

28. Ian Stephens on the Riots in Calcutta[1]

...The scenes of butchery and destruction, in what soon came to be called the 'Great Calcutta Killing', were indescribable. At the end of three dreadful days, corpses bestrewed the town. Borne everywhere on the warm moist monsoon breeze came the stink of human putrefaction. In Shampuker and such-like squalid outlying parts, on plots of waste ground, you could see mounds of decomposing, liquefying bodies, heaped as high as the second floors of the nearby houses because of lack of space elsewhere. A visit to the police morgue necessitated use of a respirator; unremoved rotting cadavers were stacked to the ceiling. If you wished to watch how a vulture opened up a dead man's abdomen, you could see it on the pavements of wealthy Park Street. During a three-hours' jeep-tour of the city with a pair of

[1] *Pakistan*, Ernest Benn Limited, London, 1963, pp. 105-107.

British N.C.O's of the military police, this writer reckoned (as they did) that we have seen more horrors than most modern soldiers ever do on the battlefield... About 100,000 people were rendered homeless, mainly by arson. So great was the confusion, that all possibility of a detailed numbering of the dead and injured was ruled out. According to some local newspapers' estimates, casualties ran to as many as 50,000—though that figure was certainly too high. Menon and Lumby give quite different official calculations: the former, 20,000 casualties including 5,000 dead, the latter, 14,000 including 4,000 dead. Woodruff chooses the smaller figure. *The Statesman,* using its own sources, reached a figure for the total casualties of 20,000 or somewhat more.

Even perhaps during the first day's fighting, and certainly during the second and third, Muslim losses were the worst. Apparently local Hindu organisations, hearing rumours that some sort of Muslim attack was contemplated, had made formidable counter-preparations. What decisively tipped the scales however was perhaps not the massive retaliatory Hindu onslaughts but the intervention during the second afternoon of the Sikhs, who had in the main held aloof on August 16th. Something then bestirred these bearded warriors, who incidentally enjoyed practically a monopoly of Calcutta's motor-transport. The present writer recalls watching hordes of them that evening, in vehicle after vehicle —taxies, lorries, buses— rushing furiously up Chowringhee, from their suburb of Bhowanipore, to join the fray on the Hindus' side in the city's smoke-shrouded northern slums.

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On August 24th, while the afflicted city was still clearing up the mess, and whiffs of putrefaction issued from hitherto unfound bodies shoved down drains or trapped in burnt-out houses, the names of the members of Mr Nehru's Interim Government at Delhi were announced. On September 2nd, it took office. And throughout India, that day, large numbers of Muslims hung up black flags on their houses in bitter protest.

These two events, the Calcutta killing, and the setting up of Mr Nehru's first Government professedly in implementation of the British Cabinet Mission's Plan, in fact signalised the start of a sixteen-months' civil war; a conflict in which the estimated total death-roll, about 500,000 people, was roughly comparable to that of the entire British Commonwealth during the six years of World War II.[1]

29. E.W.R. Lumby on the Riots in Noakhali[2]

...from about October 10th, [1946], there came reports that in certain parts of the Noakhali and Tippera districts of East Bengal the Muslims, who were in the majority, were carrying out an organised persecution of the Hindus. Refugees spread stories of murder, looting, arson, forcible conversions, the abduction of women, and forcible marriages; the area of panic widened, and Hindus far from the centres of trouble fled from their homes. The Hindu press gave great prominence

[1]The official tally of Commonwealth deaths, civilian as well as military, between September 1939 and August 1945 is in round figures 540,000.

[2]*The Transfer of Power in India* 1945-7, George Allen & Unwin Ltd., London, 1954, pp. 119-120.

to accounts of atrocities and, as in August, the Bengal Government was accused of neglecting to take precautions, of inefficiency, dilatoriness and partisanship. The Muslim papers retorted with the charge that the Hindus had deliberately exaggerated the extent of the disturbances and had thus created panic, all with the object of blackening the Muslim League Government and the League itself. The districts concerned were extensive, remote, and isolated by bad communications; hence Government action was hampered and rumour had full play. However, troops were moved in, as well as armed police, the R.A.F. dropped leaflets appealing for peace, food and medical supplies were despatched, and some 50,000 refugees were accommodated in relief camps. By the end of the month the situation was under control. The conclusion reached by the Governor (Sir Frederick Burrows), after two flights over the area, was that there had been no general rising of Muslims against Hindus; but, he reported, 'the disturbances have been caused by a body of hooligans who have exploited the existing communal feeling and who, as they range the countryside, are temporarily joined in each locality by belligerent Muslim roughs'. The official verdict was also that there had been heavy destruction of property and large numbers of forcible conversions, but probably less than 200 deaths.[1] No estimate was made of the numbers injured, but it was noticed that practically none of the refugees or those who remained in their villages showed marks of injury.[2]

30. Sir Francis Tuker on the Riots in Bihar[3]

Of all the terrible doings of 1946 this [Bihar] fearful carnage was the most shocking. Its most dastardly side was that great mobs of Hindus turned suddenly, but with every preparation for the deed, upon the few Muslims who had lived and whose forefathers had lived in amity and trust all their lives among these very Hindu neighbours. It has never been ascertained who was the organising brain of this well-laid widely-planned plot of extirpation. All that we do know is that it went to a fixed plan and schedule. Had it not been so, such large mobs fully armed with prepared weapons, would never have collected in the time and moved with such obvious, fiendish intent from victim to victim. They were Biharis who did this fell thing. They were Biharis whom we expelled from our Army after the Mutiny of 1857-8 and never again enlisted.

The number of Muslim dead, men, women and children, in this short savage killing was about seven thousand to eight thousand. The Muslim League tried to put the figure at between twenty and thirty thousand. Our reports show this to be a considerable exaggeration but, equally on the other side, was it false to assess the casualties at some two to three thousand dead or even less. The atrocities committed were terrible and foretaste of those to come at Garhmukteswar

[1] Replies by the Parliamentary Under-Secretary for India on October 21st and November 4th to questions by Messrs. Nicholson (Hansard 427 H.C. DEB. 5s, Cols. 1317-18), Wyatt and Butler (Hansard 428 H.C. DEB. 5s, Cols, 1054-6).

[2] Statement circulated by the Secretary of State for India with the House of Lords Official Report, November 27th (Hansard, Vol. 144, Cols. 459-60).

[3] *While Memory Serves*, Cassell and Company Ltd., London, 1950, pp. 181-182.

a few weeks later. Women and their babies were cut up, butchered, with an obscene devilry that a civilised people cannot even conjure forth in their imagination. If this was what was done to our own people in the Mutiny then there is no punishment that we could have inflicted on such cruel ruffians that would have fitted the deed. All we can do is to forget.

31. Syed Abdul Aziz on the Riots in Bihar[1]

The cowardice and the failure of the officials and the Police to meet force with force confirmed the belief of the militant Hindus that they could do what they liked with perfect impunity. The sense of immunity and spirit of bravado spread like wild fire and a large number of Muslims came to be slaughtered day after day openly. The mob moved from place to place as proud victors unashamed that they had attacked defenceless and innocent Muslims who succumbed to the brute force of a tremendous majority.

Muslim residents of village Masaurhi, only 12 miles from Patna, remained besieged all night on 30th October [1946]. There was a Police Station in the village, but no help was forthcoming. Some officials and also some members of the Government were informed of the plight of Muslims in Masaurhi, but in vain. The Muslims then decided on 31st October to leave their homes and assembled at Taregna Railway Station, which is only 100 yards from the inhabited parts of the said village to catch a train due for Patna. Before the arrival of the train most of the refugees were killed on the platform and in the room of the station master, which became a pool of blood.

To illustrate my point that no action was taken for days either by the Police or the Magistrates or the Government to save the lives and properties of the Muslims, I would mention below only very few villages of which Muslims were murdered and mutilated within a few yards or miles from the Police Station or the Magistracy.

	Name of Village	*Police Station*	*Distance from Police Station*
1.	Manaura	Poonpoon (Patna)	1 mile
2.	Poonpoon	Do	100 yards
3.	Taregna Railway Station	Masaurhi (Patna)	400 yards
4.	Masaurhi	Do	300 yards
5.	Kaila	Asthawan (Patna)	1½ miles
6.	Chistipore	Do	1½ miles
7.	Palwalpore	Hilsa (Patna)	1½ a miles
8.	Hilsa	Do	100 yards
9.	Attasarai	Islampur (Patna)	1 mile
10.	Talhara	Ekanagar (Patna)	2 miles
11.	Ghanipore, Mansurgang, etc.	Barh (Patna)	1 mile

[1]*Reflections on the Bihar Tragedy, 25th Oct.-31st Dec.*, 1946, Patna, 31st reduce December 1946, pp. 6-8.

In a big village, Nagarnohsa, inhabited by 5,000 Hindus and 1,500 Muslims, the former began to attack the latter on 3rd November. Muslims defended themselves for four days during which they lost a large number of lives. One of the principal Police Stations was only 5 miles away and Patna was 17 miles, by a macadamised road. An armed force in charge of a Hindu Magistrate arrived on 6th but went away without doing anything to help the besieged Muslims. A few hours later another armed Police arrived under the charge of a Christian Magistrate. He dispersed the attacking mob by opening fire on them and rescued the surviving Muslims about 1,200 in number and escorted them to a place of safety.

This is a short list prepared at random of some villages only in the district of Patna. Similar or worse tragedies occurred in the district of Gaya, Monghyr and Bhagalpur.

Why were the Magistracy and the Police inactive and demoralized. It may be that either the Government had clearly indicated their policy that no force should be used against a show or actual force of the mob or the officials understood this to be the policy and refrained, at a tremendous cost of innocent Muslims, from resorting to firing which was the only means of protecting them. They may have in self-interest behaved cowardly and cruelly, fearing that neither their superior officers nor the Government would let them justify their just action, and were also fearful of being taken to task if shooting was ordered. Above all, they appeared to be terribly afraid of Congressmen who haunt them night and day because of the power and influence they possess. When the authority of the Provincial Government is derived from the people, *i.e.* the Hindus, then the latter must be held to be masters and the servants —whether they be members of the Government or the officials of the Police—dare not obstruct the masters who may have decided upon a certain course of action and desired to annihilate or decimate the Muslims at least in some districts to begin with.

A Muslim Police Officer, who had discharged his duties effectively and courageously by dispersing several mobs and recovered some looted properties and had arrested a few ring-leaders, was dubbed as a terror by his wrathful superior who reminded his Muslim subordinate of the National Government being in power, suggesting thereby that miscreants should be approached only with folded hands and their offences should be connived at....

32. M.A. Jinnah on the Riots in Bihar[1]

11 *November* 1946

This is not the time for me to add anything to what is already so very clear to every honest, thinking and intelligent man. There is no limit to the false propaganda that is being carried on to throw the blame on the Muslim League and the Musalmans for what is happening in various parts of India. There is no foundation or justification for making wild and false allegations against the Muslim

[1] *Dawn*, Delhi, 13 November 1946.

League, but this is not the moment for me to deal with them or pass judgement.

I know that the Musalmans have suffered heavily and are suffering, but the tragedy of Bihar has eclipsed what are mere specks elsewhere. I condemn brutality in any shape or form, but the Bihar tragedy has no parallel or precedent in this record of cold-blooded butchery of the Muslim minority in various parts of the country committed by the majority Hindu community.

While I can quite understand that there is grave provocation and deep resentment among the Musalmans of India, I wish to caution them that retaliation or vengeance in the Muslim-majority provinces for what has happened in Bihar, and is happening in other parts of India, will be a terrible catastrophe and a blunder on our part, both morally and politically, and we shall be only playing into the hands of our enemies.

If you really want to achieve Pakistan, I pray to God that Muslim honour should not be sullied by inhuman, degrading and brutal happenings of the kind that have taken place in Bihar. We should not sink low in the scales of civilization, morality and humanity. While our hearts may bleed for the suffering we cannot sanction cowardly inhuman massacres of the innocent in other places where Muslims happen to be in a majority.

We must prove politically that we are brave, generous and trustworthy, that in the Pakistan areas the minorities will enjoy the fullest security of life, property and honour, just as the Musalmans themselves—nay, even greater.

If the Musalmans lose their balance and give vent to the spirit of vengeance and retaliation, and prove false to the highest codes of morality and preachings of our great religion, Islam, you will not only lose your title to the claim of Pakistan, but also it will start a most vicious circle of bloodshed and cruelty, which will at once put off the day of our freedom, and we shall only be helping to prolong the period of our slavery and bondage.

I am glad that so far the Muslim-majority provinces have been peaceful and immune from this virus of holocaust and I hope and trust that they will not lose their balance and will not stoop to the spirit of malice, revengefulness or retaliation, however deeply they may feel from what they read and hear of the terrible happenings, especially in Bihar.

I, therefore, most fervently and earnestly appeal to the Musalmans where they are in the majority, to do their best to protect and defend the non-Muslims and do everything that lies in their power to create a complete sense of security and confidence among the non-Muslim minorities.

The sufferings of the Muslims in the minority provinces and the terrible death roll and the butchery that has taken place will not go in vain. This sacrifice will, I am sure, establish our claim to Pakistan. Those who have died, have been woundded and have suffered loss and destruction of property, may take some consolation that they have suffered and made their contribution for our freedom and the achievement of Pakistan.

33. Pyarelal on the Riots in Bihar[1]

The Bihar disturbances of 1946 finally shattered the dream of an undivided India. It enabled Jinnah to moot his favourite idea of exchange of populations which had hitherto not been regarded as practical politics, and to press for indefinite postponement of the Constituent Assembly, which Pandit Nehru regarded as a means of killing it and which the Quaid-i-Azam [Jinnah] regarded as a life-and-death issue with the League.

The League was not slow to make capital out of the upheaval in Bihar. Some of the headlines of the Bihar Muslim League's report on the Bihar disturbances dated 1st December, 1946 were as follows: "International crime of genocide in Bihar." "Greatest massacre in dated history committed by Hindu Congress Fascism." "Over fifty thousand Muslims slaughtered." "Half-a-million rendered homeless refugees." The leaders of the Congress party and the Congress Government were accused of having formed "an underground council of war against the Muslims which planned and executed the massacres of Muslims and worked as the High Command of the campaign of mass-killing." The Bihar Premier, who was regarded even by the Muslims as their true friend, was described as having issued "written orders under his own signature to Government officers that no help is to be given for evacuation and rescue work and that this order is to be strictly followed." Jayaprakash Narayan, a nationalist to the core, was dubbed a "communalist" and "at the back of the riot". The League's accusations were so reckless that Pandit Nehru was constrained to remark that the League document "is so wild and irresponsible... that it becomes impossible to attach importance to what they say."[2]

Gandhiji's considered verdict after a painstaking scrutiny of all the evidence that had been brought to him in Noakhali was contained in his letter of 18th January, 1947 to his "old and tireless correspondent" Barrister Ali Hussain: "I am firmly of opinion that whilst the Bihar Ministry may not be accomplices in the crime committed by the Bihar Hindus, to their shame and disgrace, as responsible Ministers, they could not be acquitted of responsibility for the behaviour of crowds within their jurisdiction."

As it was, the truth was ugly enough even without the League's embellishments. The Muslims pointed out that the Government had ample warning. A widespread Congress organisation was in existence in the Province; yet the tragedy took place. When the disturbances broke out, governmental help rarely arrived in time, despite desperate attempts on the part of the Muslims, who contacted the local and higher authorities. And this in spite of the fact that police stations were near at hand. Syed Abdul Aziz tabulated the distances from the police stations of some of the affected villages which showed that although Muslims were murdered and mutilated sometimes within a few yards of—in no case more than two miles from—the police station or the magistracy, no action was taken for days to save their lives or property. For instance, Poonpoon and Hilsa were within 100 yards

[1] *Mahatma Gandhi—The Last Phase*, Volume I, Navajivan Publishing House, Ahmedabad, February 1956, pp. 641-643.
[2] Pandit Nehru to Shaheed Suhrawardy, December 29, 1946.

of the police station; Masaurhi and Taregna railway stations within 300 and 400 yards respectively; Chistipore and Palwalpore within half a mile; Attasarai and Manaura within one mile and Kaila within one and a half miles distance from the police station. In some cases the rioting went on in the presence of the officers who incited the mob. This provided Syed Abdul Aziz ground for his stricture that "if the officials and the police had any sense of their duty and determination to protect the Muslims, at least 100 constables, 15 sub-inspectors, 10 inspectors, 2 District Superintendents of Police, 10 Magistrates and 2 District Magistrates should have allowed themselves to be killed or injured before they allowed thousands of men, women and children under their direct charge to be slaughtered mercilessly."

It was the general impression among the Muslims that the police officers, who were callous to the Muslims, were promoted over the heads of those who helped them, and in at least one or two cases their suspicision was not altogether groundless. After the riots, the ringleaders were not punished. Counter-cases were started against the other community as in Noakhali. The Ministry were not uniformly firm in their orders and their declared policy, and orders were not always backed by appropriate administrative action. In Benibad Rs. 45,000 were granted to be distributed amongst the Muslim sufferers, but were not distributed till Gandhiji arrived on the scene. The services, on the whole, especially at the local level, did not show that combination of tact, firmness and strictly unbiased conduct which is expected of the trustees of law and order. It is possible that there were instances where such neglect of duty was shielded by superior officers who were equally communal-minded.

34. Sir Francis Tuker on the Riots in Garhmukteswar[1]

...The Calcutta killing had been heavy but even for both sides: in East Bengal the Hindu casualties had been far heavier than the Muslim but the affair, judged by our now accustomed eyes, had been a small one, the Hindu killed numbering some two hundred over a wide expanse of country.

In Bihar the Hindu legions descended on the few Muslims and wiped them out, leaving about seven thousand dead. Hitherto the game had mostly gone in favour of the Hindus: it was hardly to be expected that they would seek for any further revenge and it seemed that perhaps their thirst for blood might by now have been assuaged.

Here at Garhmukteswar there was no provocation.

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During the early days of November the platforms of Delhi Junction were littered day by day with an ever increasing medley of eager Hindu pilgrims coming in to Garhmukteswar for the annual fair and for their ritual immersion in the Ganges. There they lay, men, women and delighted children, nodding on the dappled, sun-drowsy platform with no intent but to reach their bourne and to be

[1] *While Memory Serves*, Cassell and Company Ltd., London, 1950, pp. 196-199.

shriven for another year. Not far short of a million of the devout came in from the United Provinces and the Punjab, among them large numbers of Jat peasants.

To cater for their needs and to profit themselves numbers of Muslims, men, women and children, came into the *mela* (fair) from Muradabad and Bareilly to set up stalls and to peddle their wares through the ten-mile long fair grounds speckling the sandy islands in the midst of Gangaji (Holy Ganges). In Garhmukteswar itself there lived some two to three thousand Muslims while about the neighbourhood their communities were scattered in different localities. It is unbelievable that living in Garhmukteswar today there are still Muslims, even after the happenings of which they were the wretched martyrs and of which I shall now tell.

On the evening of the 6th November 1946, at a side-show run by Muslims, there was a motor-cycling display called 'The Wall of Death'. There was a fair crowd watching when a Muslim performer threw a jest to a Jatni[1] woman spectator, probably one from Rohtak. A sudden shout went up that a Muslim had insulted a Hindu woman. At once on this alarm a number of small bands of Jats rushed out and, in concerted fashion, set to work to massacre the Muslim stallholders at the *mela,* spattered all about the fair grounds quietly plying their trade. Practically every Muslim man, woman and child was murdered with appalling cruelty. Either here or later even pregnant women were ripped up, their unborn babies torn out and the infants' brains bashed out on walls and on the ground. There was rape, and women and children were seized by the legs by burly fiends and torn apart. These hellions looted and burnt the show, casting the dead and dying into the flames. Most were killed with spears but some of the killings were by strangulation which, it will be recalled, was the ritual method of the Thugs. The murderers' women stood about, laughing with glee at the burning booths, egging on their menfolk.

*

The next day a large body of these same Rohtak Jats, mingling wit pilgrims on the traffic-choked, two-mile long road, led by local Hindus, left the fair grounds and entered Garhmukteswar town. All of a sudden they fell upon the Muslim quarter of the town, slaughtering with disgusting brutality all Muslim men, women and children. Women were raped and murdered and the houses burnt. The rest of the terrified inhabitants fled.

Through the high-walled, narrow streets the mob rushed, howling like beasts for blood, past the tall crumbling red brick walls and up the hill into the hospital compound. The Muslim District Medical Officer was killed, his Assistant and his wife. All Muslims attending for treatment they slaughtered on the spot. A Muslim doctor was murdered and his wife raped there and then. Thereafter she was paraded naked in triumph through the town. Somehow she escaped and with one arm broken waded the now desecrated Ganges and collapsed in safety on the far side.

Official estimates of dead sought later to minimise the slaughter. Besides the dead there were many who escaped with more or less terrible injuries.

The police, of whom there were some two dozen fully armed men within

[1]Of the Jat race. [Jatni in fact means a Jat woman.]

a hundred yards of this latest scene, did nothing, apart from four policemen entering the town, firing over the heads of the mob and then again subsiding into inaction. The carnage went on despite their cowardly and ineffective effort.

35. Letter from Lord Wavell to M.A. Jinnah, Urging Acceptance by the Muslim League of the Cabinet Mission Plan[1]

5 *November* 1946

Before I went on my visit to Bengal and Bihar I spoke to you about summoning your Council with a view to their accepting the statement of May 16th. I hope you will arrange this at an early date. I am doubtful myself whether there is any use in holding further discussions, but if you are convinced that some assurance is necessary would you please let me know what exactly it is. I suggest that it might be a good thing for you to have another talk with Sir B.N. Rao who would, I am sure, be glad to call on you.

36. Reply from M.A. Jinnah to Lord Wavell[2]

17 *November* 1946

I am in receipt of your letter of the 5th November, 1946 and I thank you for it. Owing to the very grave situation created in Bihar it was not possible for me to consult such of my colleagues as would have been available in Delhi, or my Committee of Action and, in order not to delay my reply, I have consulted some and beg to inform you that the Congress have not accepted the statement of May 16 from the very beginning. To mention only a few official documents, here is the letter of the President of the Congress, dated 25th of June, the Congress Working Committee's resolution of the 26th of June and various pronouncements of the foremost Congress leaders and thereafter the Wardha resolution of the Congress Working Committee dated August 10. This clearly shows that the Congress never had, nor have they even now, accepted the statement of May 16.

Even recently, in a letter to Mr Gopinath Bardoloi, Prime Minister of Assam, published on the 12th of September, 1946 (after the Assam Legislative Assembly had given a mandate to their representatives to the Constituent Assembly in the clearest terms to defy the fundamentals of the statement of May 16), Pandit Jawaharlal Nehru says:

"I fully appreciate the feeling in Assam in regard to the Sections or gorup-ing and I think that our position will safeguard our sentiment completely. Having accepted the document of May 16 we have inevitably to accept going into the Sections, but the question is as to how we shall function in these Sections. You are right in saying that I did not go into this matter in my broadcast, becuase I did not wish to raise controversial issues there. But our position is clear that provincial autonomy must be maintained and a Province must decide both about grouping and its own constitution.

"It is true that we have accepted the Federal Court's decision in regard to

[1] *The Indian Annual Register*, July-December 1946, p. 277.
[2] *Ibid.*, pp. 277-278.

the interpretation and we must abide by that decision of ours. But in no event we are going to agree to a province like Assam being forced against its will to do anything.

"The Constituent Assembly has now been postponed to December and we do not know what developments might take place by that time. Whatever they might be, if Assam is strong enough nothing can happen to Ássam that it does not like."

Next, Mr Gandhi, only as recently as the 3rd of October 1946, in one of his pronouncements, said:

"The Constituent Assembly is based on the State paper. The paper has put in cold storage the idea of Pakistan. It has recommended the device of grouping, which the Congress interprets in one way, the League in another, and the Cabinet Mission in a third way. No law-giver can give an authoritative interpretation of his own law. If, then, here is dispute as to the interpretation, a duly constituted court of law must decide it."

In the first place there is no provision in the statement of May 16 for any court to decide what is the true interpretation of the document. Besides, the basis and fundamental principle underlying that document is not, and cannot be made, a justiciable issue. The proposals embodied in the statement of May 16 are recommendations of the Cabinet Delegation and yourself, which can only be carried out when both the major parties are agreed in the clearest manner and unquestionably, upon the fundamentals.

I quite appreciate when you say that there is no use in holding further discussions and you informed me that there was no chance of the Congress agreeing to it judging from the position they had taken up. In these circumstances, I hope, you will appreciate that it will be futile for me to summon the Council of the All-India Muslim League.

You ask me to let you know what exactly it is in the way of assurances that will be necessary. The question is not as you put it that, if some assurances are necessary, I should let you know exactly what they are. The real question is to get the Congress first to agree to fundamentals in the clearest language and then devise ways and means by which the proposals can be implemented and enforced by His Majesty's Government if the Congress break their word.

Apart from this impossible position that the Congress have taken up throughout and have followed up at the present moment, now we are face to face with the mass, organized and planned ruthless massacres of the Muslims in various parts of Bihar. The foul and gruesome methods adopted under the very nose of the Congress Government, the administration andthe police in Bihar, show that the Congress have entirely failed to protect the life and property of innocent people, to say nothing of the small-scale killing and destruction of property that are going on in various other parts of the country, where the Muslims are in minority. In this highly surcharged and explosive atmosphere even to think of the proposed Constituent Assembly or any talk about it, when we are faced with two hostile camps, with the result that killing, murder and destruction of property are going

on apace, is neither advisable nor possible. It will only exacerbate the present situation.

I most earnestly urge upon you to concentrate upon the measures to be adopted and carried out to protect life and property without delay. The entire machinery of the administration of the Government must immediately be concentrated upon establishing peace and tranquillity and succour and help those who are homeless, foodless, clothless and in need of medical help and wandering about in Bihar in thousands —the latest reliable estimates so far available are about 30,000 killed and 150,000 refugees—and further to see by every means how to avoid and prevent a recurrence of human slaughter in future. This is your sacred duty and trust and I hope you will immediately impress upon His Majesty's Government to take up this immediate task. In my opinion, therefore, you should announce immediately the postponement of the Constituent Assembly *sine die* and let us all concentrate every ounce of our energy upon restoring peace and order first.

37. Sir Jogendra Singh on the Sikh Demands[1]

There is a great deal of confusion regarding the constitutional demands of the Sikhs. The confusion is confounded by the community standing for a united India with a strong Central Government which could protect the country from foreign invasion and maintain internal peace together with fully autonomous provinces under a democratic system of government.

The community is compelled by the example of the Muslim League to claim separate communal representation, aware at the same time that, out of separate communal electorates, a just non-communal government cannot be born.

The Constituent Assembly is about to meet. It would have been much better if its meeting had been postponed for at least a year to enable leaders to appraise the governing conditions and to plan the constitution not on the basis of exotic creeds, but on the solid foundation of actual conditions in the country.

Briefly the Sikh community stands for:-

(1) Unity of India: It is apprehensive that without an efficient Central Government democracy in the provinces may neglect the substance and pursue the shadow. It may undermine the foundation of a stable Government by loosening social fixities. Without a united Indian army—which would depend on the willingness of all communities to protect their motherland—India would be defenceless and perhaps unable to maintain law and order.

(2) In areas in which Hindus and Sikhs are in a majority they should have the right of self-determination and separation from predominantly Muslim areas with the option to coalesce provided Hindus and Sikhs are given parity with Muslims in the provincial Cabinets on the same grounds on which Muslim parity in the Centre is conceded.

(3) In Muslim areas, Hindus and Sikhs be given the same privileges which are accorded to Muslims in Hindu areas.

The Sikh community stands for a just solution and would welcome any

[1] *The Civil & Military Gazette*, Lahore, 17 November 1946.

movement that aims at strengthening the sense of nationality and maintains Indian solidarity, which has been built up under the British.

38. M.A. Jinnah on the Summoning of the Constituent Assembly[1]

21 *November* 1946

I deeply regret that the Viceroy and His Majesty's Government have decided to summon the Constituent Assembly on the ninth of December. In my opinion, it is one more blunder of a very grave and serious character. It is quite obvious that the Viceroy is blind to the present serious situation and the realities facing him and is entirely playing into the hands of the Congress and is appeasing them in complete disregard of the Muslim League and other organisations and elements in the national life of the country.

In these circumstances, it is obvious that no representative of the Muslim League will participate in the Constituent Assembly, and the Bombay resolution of the Muslim League Council, passed on July 29, stands. By forcing this meeting of the Constituent Assembly, the matter has been further exacerbated and a situation has been created which will lead to serious consequences. I want to make it clear that no representative of the Muslim League should attend the Constituent Assembly summoned to meet on the ninth of December, 1946.

39. Statement by His Majesty's Government on the Grouping Clause[2]

6 *December* 1946

The conversations held by His Majesty's Government with Pandit Nehru, Mr. Jinnah, Mr. Liaquat Ali Khan, and Sardar Baldev Singh came to an end this evening as Pandit Nehru and Sardar Baldev Singh are returning to India to-morrow morning.

The object of the conversations has been to obtain the participation and co-operation of all parties in the Constituent Assembly. It was not expected that any final settlement could be arrived at, since the Indian representatives must consult their colleagues before any final decision is reached.

The main difficulty that has arisen has been over the interpretation of Paragraphs 19 (v) and 19 (viii) of the Cabinet Mission's statement of May 16, relating to meetings in Sections which run as follows:

Paragraph 19 (v): "These Sections shall proceed to settle provincial constitutions for the Provinces included in each Section and shall also decide whether any Group constitution shall be set up for those Provinces and, if so, with what provincial subjects the Group should deal. Provinces should have the power to opt out of the Groups in accordance with the provisions of sub-clause (viii) below:"

Paragraph 19 (viii): "As soon as the new constitutional arrangements have come into operation, it shall be open to any Province to elect to come out of any Group in which it has been placed. Such a decision shall be taken by the Legislature

[1] *The Indian Annual Register*, July-December 1946, p. 279.
[2] *The Times*, London, 7 December 1946.

of the Province after the first General Election under the new Constitution."

The Cabinet Mission have throughout maintained the view that the decisions of the Sections should, in the absence of agreement to the contrary, be taken by simple majority vote of the representatives in the Sections. This view has been accepted by the Muslim League, but the Congress have put forward a different view. They have asserted that the true meaning of the statement, read as a whole, is that the Provinces have the right to decide both as to grouping and as to their own constitutions.

His Majesty's Government have had legal advice which confirms that the statement of May 16 means what the Cabinet Mission have always stated was their intention. This part of the statement, as so interpreted, must, therefore, be considered an essential part of the scheme of May 16 for enabling the Indian people to formulate a constitution which His Majesty's Government would be prepared to submit to Parliament. It should, therefore, be accepted by all parties in the Constituent Assembly.

It is however clear that other questions of interpretation of the statement of May 16 may arise and His Majesty's Government hope that if the Council of the Muslim League are able to agree to participate in the Constituent Assembly, they will also agree, as have the Congress, that the Federal Court should be asked to decide matters of interpretation that may be referred to them by either side and will accept such a decision, so that the procedure both in the Union Constituent Assembly and in the Sections may accord with the Cabinet Mission's plan.

On the matter immediately in dispute, His Majesty's Government urge the Congress to accept the view of the Cabinet Mission in order that the way may be opened for the Muslim League to reconsider their attitude. If, in spite of this reaffirmation of the intention of the Cabinet Mission, the Constituent Assembly desires that this fundamental point should be referred for a decision of the Federal Court, such reference should be made at a very early date. It will then be reasonable that the meetings of the Sections of the Constituent Assembly should be postponed until the decision of the Federal Court is known.

There has never been any prospect of success for the Constituent Assembly except upon the basis of an agreed procedure. Should a constitution come to be framed by a Constituent Assembly in which a large section of the Indian population has not been represented, His Majesty's Government could not, of course, contemplate—as the Congress have stated they would not contemplate—forcing such a constitution upon any unwilling parts of the country.

40. R.A. Butler on the Constituent Assembly[1]

Let us look first at the machinery and then at the spirit. When we look at the machinery, we find that the Constituent Assembly is, in fact, quite unrepresentative at the present time, and therefore any report we hear about motions on an Indian Republic, or any other matter, must be taken not to be representative

[1]From speech in the House of Commons on 13 December 1946, *Parliamentary Debates*, Fifth Series, Volume 431, Cols. 1531-1533.

of those who are absent from the Assembly itself. We naturally trust that it will become representative, and we naturally hope that the Muslims will join the Constituent Assembly on the basis of the decision put out by the Government in its recent statement. However, I desire to put two points to the Government in regard to the Muslim position. First, the British Government statement of 6th December does not lay down a time limit by which the Constituent Assembly should refer the fundamental point in dispute, namely, the voting by majority, to the Federal Court. Nor does it clearly say that the reference must be made before the Sections begin to function. That is my first point, and I have reason to believe that the Muslim community attach great importance to the answer which the Government will give to that point.

In the second place, the statement is silent as to what His Majesty's Government will do if the Federal Court were to give a decision on the fundamental point which may be contrary to the interpretation and intention of His Majesty's Government. Perhaps the right hon. Gentleman will take this opportunity of giving the answers on those points and, if so, I think the cause which he has at heart will be very much furthered. If, however, he cannot give those answers today, I trust they will be made public on a future occasion. In passing, I may say that it really seems an extraordinary procedure under which, when a Government makes a statement itself, it has to go to a Federal Court to have it interpreted. It is just exactly the same as if the Government came to this House with the King's Speech and then decided to send the King's Speech to the High Court to find out what they meant by what they had originally said. It is an almost Gilbertain situation, and while I attach importance to the Congress view that it wishes to be referred to the Federal Court subjects which are in dispute, I think that a statement made by His Majesty's Government ought to bear the interpretation that His Majesty's Government say it ought to bear.

Not only are Muslims absent from the Constituent Assembly, but there are other absentees, most important of all being the minorities, and, in particular, the Scheduled Castes. There is no part of the speech of the right hon. and learned Gentleman, the President of the Board of Trade, that I thought less convincing and more reprehensible than when he skated over the manner in which the Scheduled Castes' representatives had been introduced into the Constituent Assembly. As I am a bit of an expert on franchise having served on the Franchise Committee, and framed a good many of these things originally, perhaps I may be allowed to skate over this matter by bringing it down to a few hard facts. The right hon. and learned Gentleman gave us an analysis of the Provincial elections. I have an analysis in this imposing folder. The right hon. and learned Gentleman said that in the primary elections for the Scheduled Castes the Congress candidates obtained only 29 per cent of the votes, the Independents 44 per cent and the Dr. Ambedkar Federation 26 per cent. My figures give 28 per cent for Congress but I am ready to accept the Government figure. That means that there is a large proportion of those first elected in the primary elections against the Congress point of view. The Congress point of view represents only 29 per cent. and yet, when we come to the constitution of the Constituent Assembly, there are 27 Congress representatives

and only two representing the Dr. Ambedkar Federation. It seems a gross betrayal of the Scheduled Castes to them over from 29 per cent in the primary elections to the vast majority that we come to in the Constituent Assembly.

The Prime Minister (Mr. Attlee): I know that the right hon. Gentleman would not like to be inaccurate, but he no doubt understands that there were a large number of primary elections in which there was no contest?

Mr. Butler: Yes, I have the figures here. Primary elections took place in only 43 cases. I am well informed on this matter. I have compared notes with representatives of Scheduled Castes on this point. The reason for that is that the Scheduled Castes are singularly unversed in election experience, and that they also have little money, a matter which should appeal to Members opposite. There is no doubt, from what I have heard, that the Scheduled Castes found it difficult to put forward candidates in primary elections because they would have had to run in the next elections under this scheme, thereby inducing double expense, which they can ill afford. The Poona Pact completely rigged all the elections, whether primary or a secondary, against the interests of the Scheduled Castes. The Government, by agreeing to a system whereby 27 out of 29 are Congress representatives in the Constituent Assembly, have sold themselves to a 'rig.' I have never been able to understand the facile acceptance by the Labour movement, of the manner in which the interests of the poorest and most under-privileged section in India have been neglected and sold to their long-time predecessors, and I am astonished that the Prime Minister has been able to lend himself to this bargain.

The Prime Minister *indicated dissent.*

41. M.K. Gandhi's Advice to Assam Congressmen on the Grouping Clause[1]

I do not need a single minute to come to a decison, for on this I have a mind. I am a Congressman to the very marrow, as I am mainly the framer of the constitution of the Congress, as it stands today. I have told Bardoloi that if there is no clear guidance from the Congress committee, Assam should not go into the sections. It should lodge its protest and retire from the constituent assembly. It will be a kind of satyagraha against the Congress for the good of the Congress.

Rightly or wrongly, the Congress has come to the decision that it will stand by the judgement of the Federal Court. The dice are heavily loaded. The decision of the Federal Court will go against the Congress interpretation of 'grouping', as far as I can make out, for the simple reason that the Cabinet has got the legal advice which upholds their decision.

The Federal Court is the creation of the British. It is a packed court. But to be consistent the Congress must abide by its decision whatever it may be. If Assam keeps quiet, it is finished. No one can force Assam to do what it does not want to do. It is autonomous to a large extent today.

[1]D.G. Tendulkar, *Mahatma*, Volume Seven, The Publications Division, Ministry of Information and Broadcasting, Government of India, Delhi, October 1962, p. 286.

[This advice was given by Gandhi on 15 December 1946 to two Assam Congressmen who interviewed him on behalf of Chief Minister Bardoloi. Ed.]

It must become fully independent and autonomous. Whether you have that courage and grit and the gumption, I do not know. You alone can say that. But if you can make that declaration, it will be a fine thing. As soon as the time comes for constituent assembly to go into sections, you will say, 'Gentlemen, Assam retires'. For the independence of India, it is the only condition. Each unit must be able to decide and act for itself. I am hoping that in this, Assam will lead the way.

I have the same advice for the Sikhs. But your position is much happier than that of the Sikhs. You are a whole province. They are a community inside a province. But I feel every individual has the right to act for himself, just as I have.

42. E.W.R. Lumby on the Functioning of the Constituent Assembly[1]

...So long as there was even the remotest chance of the League's coming in, so long as the largest States had not decided to do so, the [Constituent] Assembly would not commit itself to the strong Centre which most non-Muslim opinion considered to be in the best interests of the country. Thus it deferred consideration of the report of the Union Powers Committee which, though it professed to follow the Mission's plan, recommended not only a wide interpretation of the four subjects which the plan had allotted to the Union Centre but also the addition to them of fourteen others—including the Reserve Bank, the Public Debt, Currency and the Judiciary—as inevitably coming within the powers of the Union, and yet another eight, including Planning, as essential to ensure uniform standards of trade and commerce throughout the Union. On the other hand, the Committee did proceed to consider the interim report of the Fundamental Rights Sub-Committee of the Minorities Advisory Committee, and adopted a number of its recommendations. The Statement of May 16th had suggested that the Committee should advise the Assembly whether the list of fundamental rights should be incorporated in the Provincial, the Group or the Union constiutions. In the event the Sub-committee came to the conclusion that the fundamental rights of citizens of the Union would have no value if they differed from Group to Group or from unit to unit or were not uniformly enforceable. They therefore recommended that the rights should be incorporated in the constitution so as to be binding on all authorities, whether of the Union or its units: and should be enforceable by a Supreme Court. The list of rights was a long and comprehensive one, laying down such broad principles as freedom of trade within the Union, adult suffrage, the abolition of titles, the prohibition of child labour in factories and mines, and the right to compensation for property taken for public use. Hence, however laudable was the aim that these rights should be secure, the result must necessarily be a substantial accession of power to the Centre...

[1] *The Transfer of Power in India* 1945-7, George Allen & Unwin Ltd., London, 1954, pp. 156-157.

43. Resolution of the All-India Congress Committee on the Grouping Clause[1]

6 *January* 1947

The A.-I.C.C. having considered the events that have taken place in the country since the Meerut Session of the Congress in November last, the statement issued by the British Government on December 6, 1946, and the statement of the Working Committee of December 22, 1946 advises Congressmen as follows:

The A.-I.C.C. endorses the statement of the Working Committee of December 22, 1946, and expresses its agreement with the views contained therein.

While the Congress has always been agreeable to making a reference to the Federal Court on the question of interpretation in dispute, such a referenc: has become purposeless and undesirable owing to recent announcements made on behlaf of the British Government. A reference could only be made on an agreed basis, the parties concerned agreeing to abide by the decision given.

The A.-I.C.C. is firmly of opinion that the constitution for a free and independent India should be framed by the people of India on the basis of as wide an agreement as possible. There must be no interference whatsoever by any external authority, and no compulsion of any province or part of a province by another province. The A.-I.C.C. realises and appreciates the difficulties placed in the way of some provinces, notably Assam, the N.-W.F.P. and Baluchistan and the Sikhs in the Punjab, by the British Cabinet Mission's scheme of May 16, 1946 and more especially by the interpretation put upon it by the British Government in their statement of December 6, 1946. The Congress cannot be a party to any such compulsion or imposition against the will of the people concerned, a principle which the British Government have themselves recognised.

The A.-I.C.C. is anxious that the Constituent Assembly should proceed with the work of framing a constitution for free India with the goodwill of all parties concerned and, with a view to removing the difficulties that have arisen owing to varying interpretations, agree to advise action in accordance with the interpretation of the British Government in regard to the procedure to be followed in the Sections. It must be clearly understood, however, that this must not involve any compulsion of a province and that the rights of the Sikhs in the Punjab should not be jeopardised. In the event of any attempt at such compulsion, a province or part of a province has the right to take such action as may be deemed necessary in order to give effect to the wishes of the people concerned. The future course of action will depend upon the developments that take place and the A.-I.C.C. therefore directs the Working Committee to advise upon it, whenever circumstances so require, keeping in view the basic principle of provincial autonomy.

44. 'The Economist' on the A.-I.C.C. Resolution[2]

The Constituent Assembly having adjourned without taking any irrevocable step in framing India's Constitution, there was a slight relaxation of political

[1] *The Indian Annual Register*, January-June 1947, pp. 114-115.
[2] Editorial comment in *The Economist*, London, 11 January 1947, p. 57.

tension and a brief opportunity for a fresh effort to bring about an agreement between the Congress and the Moslem League on the crucial question of the powers of the Sections in the Assembly. The All-India Congress Committee met in Delhi, and on January 6th, after a long debate, passed by 99 votes to 52 a resolution accepting the British interpretation (which is also the Moslem League's) of the clauses of the basic agreement dealing with the Sections, but qualifying acceptance with "hedging" clauses which seem to deprive it of effect. Even with the hedging, the resolution was strongly opposed as a base surrender, and Sarat Chandra Bose, the brother of Subhas Bose who formed an "Indian Government" during the war in Japanese-occupied Singapore, resigned from the Congress Working Committee in protest. The Congress Socialists also threatened to break away and take an independent line if there were any more compromises.

The purpose of the Congress majority seems to have been to convince the British Government and public of its reasonableness rather than to reach agreement with the Moslem League. The basic agreement, the interpretation of which has been in dispute, provides that "the Sections shall proceed to settle provincial constitutions for the Provinces included in each Section," but that any Province may "elect to come out of any group in which it has been placed" by vote of its legislature elected under the new Constitution. By this scheme a Province may secede from its Section, but only after first accepting the Constitution laid down by the Section with regard to the franchise and electoral system under which the next General Election is to be held. It is clear that, if the agreement is accepted, the existing legislatures of Provinces have no power to defy the decisions of their Sections on the provincial constitutions. But the Congress resolution declares that acceptance of the British and Moslem League interpretation of the clauses on Section powers does not involve any compulsion of a province and that, if any attempt is made at compulsion, "a province or part of a Province has the right to take such action as may be deemed necessary to give effect to the wishes of the people concerned. This reservation practically nullifies the so-called 'acceptance'.

45. Resolution of the Assam Provincial Congress Working Committee on the Grouping Clause[1]

18 *January* 1947

The Working Committee of the Assam Provincial Congress Committee considered the resolution passed by the All-India Congress Committee at Delhi regarding the statement made by His Majesty's Government on December 6 and heard the members of the delegation and members to the A.-I.C.C. from Assam. The Working Committee of the A.P.C.C. having reviewed the situation in all its aspects and taking into account the feelings of the province is of the opinion that nothing has happened since the Assam Assembly gave the mandate to its representatives in the Constituent Assembly and its resolution passed on July

[1] *The Sunday Tribune*, Lahore, 19 January 1947.

16 to warrant any change or modification about the stand taken by the Assam Assembly with regard to sections and groups.

The Committee is of the opinion that it is the inalienable right of the people of every province to frame its own constitution without any interference from outside. The Committee reiterates that the constitution for Assam shall be framed by her own representatives only.

46. Liaquat Ali Khan's Questions to Congress Leaders[1]

1. Does the Congress agree that the Sections sitting as a whole and by simple majority vote shall decide whether there are to be Groups and also settle Group constitutions?
2. Does the Congress accept that the constitutions of the Provinces shall be settled by the Sections concerned sitting as a whole and taking decisions by simple majority vote?
3. Does the Congress agree that Section C will settle the constitution for the province of Assam by simple majority vote, that a new legislature for the province of Assam shall be elected according to the constitution so settled, and that Assam will exercise its right of remaining in the Group or opting out by a vote of that new legislature?
4. Does the Congress recognise the right of Section B to settle the constitution of the NWFP by a simple majority vote of the Section as a whole, and that a new legislature for the NWFP shall be elected under the constitution so settled, this new legislature alone being competent to decide whether the province is to remain in Group B or opt out?
5. Does the Congress agree that Section B, sitting as whole and by simple majority vote, shall settle the constitution for the Punjab and the Group constitution, if there is any, affecting all communities concerned, including the Sikhs, and that such a constituion for the Punjab and for the Group shall be final, subject to the approval of Parliament in accordance with the terms laid down by the Cabinet Mission in their Statement of May 25, regarding safeguards for minorities, and that the Sikhs as a community shall have no right of veto?
6. Does the Congress agree that either side shall have the right to refer other questions of interpretation to the Federal Court and that its decisions shall be accepted by both sides?

47. Resolution of the Muslim League Working Committee on the British Government's Statement and Congress Reaction to it[2]

31 *January* 1947

The Working Committee of the All-India Muslim League have given careful consideration to the statement issued by His Majesty's Government on December 6, 1946, the resolution passed thereafter by the Congress Working

[1] *The Statesman*, Calcutta, 26 January 1947.
[2] *Dawn*, Delhi, 2 February 1947.

Committee on December 22, 1946 and the All-India Congress Committee on January 6, 1947, the speeches delivered by responsible leaders of the Congress at the A.-I.C.C. session referred to above, and the proceedings of the Constituent Assembly during its two sessions so far held, and record their views as follows:

By their statement of December 6, His Majesty's Government admitted that the interpretation which the Muslim League has always put on paragraphs 19 (v) and 19 (viii) of the Cabinet Mission's statement of May 16 was the correct one and accorded with the intention of the Cabinet Mission and His Majesty's Government.

By that statement it was also proved that the Congress, on the other hand, had put forward a different view and, therefore, had not accepted what His Majesty's Government themselves described as "this fundamental point", namely, that decision in the Sections, including questions relating to the settling of the constitutions of Provinces included in each Group, "should in the absence of agreement to the contrary, be taken by a simple majority vote of the representatives in the Sections".

His Majesty's Government, furthermore, added that "this statement, as so interpreted, must therefore be considered an essential part of the scheme of May 16 for enabling the Indian people to formulate a constitution which His Majesty's Government would be prepared to submit to Parliament'. Accordingly, in their statement of December 6 they urged the Congress to accept "this reaffirmation of the intention of the Cabinet Mission" or in the alternative to refer the point to the Federal Court at a very early date.

In their statement of December 6, His Majesty's Government also affirmed that the Congress had agreed that other questions of interpretation of the statement of May 16 which may arise might be referred by either side to the Federal Court whose decisions should be accepted, and on the assumption that the Congress had agreed to this procedure, His Majesty's Government asked the Muslim League also to agree to it in order to ensure that "the procedure both in the Union Constituent Assembly and in the Sections may accord with the Cabinet Mission's plan".

His Majesty's Government, in the last paragraph of their statement of December 6, reiterated the fact that "there has never been any prospect of success for the Constituent Assembly except upon the basis of the agreed procedure", and they repeated the assurance: "Should the constitution come to be framed by a Constituent Assembly in which a large section of the Indian population had not been represented, His Majesty's Government would not, of course, contemplate—as the Congress have stated they would not contemplate—forcing such a constitution upon any unwilling parts of the country".

The meaning and the application of this assurance were further clarified by Sir Stafford Cripps in his speech in the House of Commons on December 12, 1946, when he said: "But the Government had also to envisage the possibility in the clause in the final paragraph of the statement. This was, perhaps, a statement of the obvious—that if the Muslim League could not be persuaded to come into the Constituent Assembly, then parts of the country where they were in a majority could not be held to be bound by the results."

The situation created by the issue of this statement by His Majesty's Government is that the onus of taking the next step fell on the Congress and they were called upon:—

1. To accept honestly and unequivocally the correct interpretation of paragraphs 19(v) and 19(viii) of the Cabinet Mission's statement of May 16, which interpretation has been already accepted by the Muslim League, or to refer the point to the Federal Court.

2. To reaffirm that they have accepted the procedure for the settling of other questions or interpretations that might arise, so that the decision should accord with the basic and fundamental principles of the scheme of May 16, 1946, namely, that either side could refer such questions to the Federal Court whose decisions would be binding on all concerned; and

3. To postpone the session of the Constituent Assembly which had been called for the 9th of December, 1946, pending settlement of the dispute over the fundamental points of principle and procedure which had been brought to the fore by the statement of December 6 and the correct interpretation of which the Congress has not accepted, as was made clear in that statement, there being no prospect of success for the Constituent Assembly without such agreement, particularly on the part of the Congress.

The Working Committee of the All-India Muslim League regret to note that the Congress have reacted to the situation created by the statement of December 6 in a manner which shows that they are determined to adhere to their own views and interpretations of the fundamental provisions in the Cabinet Mission's statement of May 16, which militate against the clearly expressed intentions and interpretations of the authors of that statement as well as of His Majesty's Government as a whole and which destroy the very basis on which the constitutional plan set forth in that statement has been drawn up.

By their resolution of December 22, the Congress Working Committee rejected the suggestion that the point in dispute should be referred to the Federal Court if the Congress did not accept "this reaffirmation of the intention of the Cabinet Mission", and that Committee decided to convene a meeting of the All-India Congress Committee for the purpose of giving a decision on the issue raised by the statement of December 6.

The Working Committee of the Congress, however, in their resolution indulged in an attack on the British Government for their renewed interpretation and clarification, which had called the Congress bluff, and the Muslim League for no other fault except that its stand had been at last vindicated.

The All-India Congress Committee, by its resolution passed on January 6, purported "to agree to advise action in accordance with the interpretation of the British Government in regard to the procedure to be followed in the Sections", about which there never was any doubt in the mind of any sane and honest person, but it immediately added the following qualifying clauses:

"It must be clearly understood, however, that this must not involve any compulsion on a Province and that the rights of the Sikhs in the Punjab should not be jeopardized.

"In the event of any attempt at such compulsion, a Province or part of a Province has the right to take such action as may be deemed necessary in order to give effect to the wishes of the people concerned.

"The future course of action will depend upon the developments that take place and the A.-I.C.C., therefore, directs the Working Committee to advise upon it, whenever circumstances so require, keeping in view the basic principle of provincial autonomy."

These qualifying clauses, in the considered opinion of the Working Committee of the All-India Muslim League, confer the right of veto within the section on "a Province" and, what is more absurd, on "a part of a Province" as well as on the Sikhs in the Punjab, and, therefore, they completely nullify the advice or so-called 'acceptance' by the Congress of the December 6 statement, and this A.-I.C.C. resolution is no more than a dishonest trick and jugglery of words by which the Congress has again attempted to deceive the British Government, the Muslim League, and public opinion in general.

The question at issue was a very simple one. What was required was a straight and honest answer and not these evasions, equivocations, and camouflage from one of the two major contracting parties to the questions whether the Congress honestly and sincerely agreed to the proposals of the 16th of May as clarified by His Majesty's Government on the 6th December 1946, and whether it was prepared to honourably abide by them and carry out the letter and spirit of the proposals which were put before the two major parties by the British Government, who were merely acting as mediators as, unfortunately, the two major parties had failed to come to any agreement at Simla and the conference at Simla had broken down.

Of the second point in His Majesty's Government's statement of December 6, namely, the procedure whereby either side could refer other questions of interpretation to the Federal Court, the resolution of the A.-I.C.C. makes no mention, but the mover of the resolution, Pandit Jawaharlal Nehru, on being questioned on the second day of the A.-I.C.C.'s deliberations as to whether the Congress had agreed to this procedure, categorically answered in the negative and declared:

"Apart from this, in view of the recent developments and the statement of December 6, which produces a new situation, I am not prepared to admit for an instant that we have agreed to any future procedure about references. Whatever the future brings, we shall have to consider it. I should like to make it perfectly clear that we are giving no assurance about any references in regard to any other matters to the Federal Court. We are not going to commit ourselves at the present moment to any reference to the Federal Court or to any other authority. We shall decide—or the Constituent Assembly shall decide—as we think best in the circumstances."

With regard to the third point, namely, that if a constitution came to be framed by a Constituent Assembly in which "a large section of the Indian population had not been represented", such a constitution would not be forced upon any "unwilling parts of the country", the A.-I.C.C. resolution, in paragraph 3, completely distort the meaning and application of this principle and makes this an excuse to instigate a section of the population of Assam, the North-West Frontier Province,

the Sikhs and even Baluchistan, to revolt against decisions that might be taken by the relevant Sections sitting as a whole and by a simple majority vote. In the opinion of the Working Committee of the All-India Muslim League, the subsequent decision of the Assam Provincial Congress not to abide by the procedure laid down for Sections and its reiteration that "the Constitution for Assam shall be framed by her own representatives only" is a direct result of this instigation and is a step taken by Assam Congressmen in collusion with the all-India leaders of the Congress.

The Constituent Assembly met on December 9 and subsequent dates and thereafter on January 20 and subsequent dates and has already taken decisions of a vital character, so far as it is known to the public; and as some of the sittings were held in camera, it is very difficult to get correct information as to what other resolutions it has passed or what decisions it has already taken. It has passed a resolution, known as the Independent Sovereign Republic Resolution, laying down the objectives.

It is not only a proclamation of India as an independent sovereign republic but it lays down fundamentals of the constitution as was admitted by Pandit Nehru, the mover of the resolution. It is a very vital resolution. It lays down the essentials of the next constitution; several things which are mentioned there are fundamentals of the constitution. It speaks of a Republic or Union, functions and powers vested in the Union or as are inherent or implied in the Union and resulting therefrom, and talks of present boundaries, States and present authorities, the residuary powers, powers being derived from the people, minority rights and fundamental rights.

These are undoubtedly fundamentals of the Constitution and they are beyond the limit of the powers and the terms of the scheme of the Cabinet Mission's statement of May 16, and the resolution is, therefore, illegal, *ultra vires* and not competent to the Constituent Assembly to adopt.

Next, it has appointed several committees and has proceeded to elect an Advisory Committee, referred to in paragraph 20 of the statement of the Cabinet Mission and the Viceroy, on the rights of citizens, minorities, tribal and excluded areas. Further it has appointed a Steering Committee and various other committees, and as some of the decisions have been taken in camera, it is very difficult to say what resolution it has passed or decisions it has taken. It has also passed the rules of procedure and assumed control of Sections by means of these rules for which there is no warrant or justification, particularly rule 63 which runs as follows:

"(1) The Assembly shall, before finally settling the Union Constitution, give an opportunity to the several provinces and States through their Legislatures to formulate, within such time as it may fix, their views upon the resolutions of the Assembly outlining the main features of the Constitution or, if the Assembly so decides, upon the preliminary draft of the Constitution.

"2. Before the constitution of any province is finally settled or the decision to set up a Group Constitution for the Section in which the Province is included is finally taken, an opportunity shall be given to the Province concerned through its Legislature to formulate, within such time as may be fixed for the purpose, its views

(*a*) upon the resolution outlining the main features of the Constitution or, if the majority of the representatives of the province in the Assembly so desire, upon the preliminary draft of such Constitution, and (*b*) upon the preliminary decision of the Section concerned as to whether a Group Constitution shall be set up for the provinces included in the Section and, if so, with what provincial subjects the Group should deal."

And lastly, it has also appointed a committee to define the scope of the Union subjects, whereas the position was made quite clear, immediately after the statement of May 16 was issued, by the Secretary of State for India in his broadcast and by Sir Stafford Cripps at his press conference where he read out an explanatory statement. Both of them stated in the clearest possible terms the time and manner in which Group Constitutions were to be framed by the Sections concerned before the Union Constitution was taken up.

The Secretary of State said: "After a preliminary meeting in common, the representatives of the Provinces will divide themselves up into three Sections. These Sections will decide upon provincial and Group matters. Subsequently they will reunite to decide upon the Constitution for the Union."

Sir Stafford Cripps at his press conference said: "So the three Sections will formulate the provincial and Group constitutions and when that is done they will work together with the States' representatives to make the Union Constitution. That is the final phase, and the Union is strictly confined to three subjects."

It is clear from the above that the Constituent Assembly, in which only the Congress Party is represented, has taken decisions on principles and procedure, some of which exceed the limitations imposed by the statement of May 16 on the Constituent Assembly's functions and powers at the preliminary stage and which further impinge upon the powers and functions of the Sections. By taking these decisions in the Constituent Assembly and by appointing a committee consisting of individuals chosen by the Congress, the Congress has already converted that truncated Assembly into a rump and something totally different from what the Cabinet Mission's statement had provided for.

In view of these facts and circumstances the Working Committee of the All-India Muslim League are definitely of the opinion that the Congress, by rejecting this final appeal of His Majesty's Government to accept the correct interpretation of the fundamental procedure of the Cabinet Mission's statement of May 16, and by having already, by the resolutions and decisions taken in two sessions, converted the Constituent Assembly into a body of its own conception, has destroyed all fundamentals of the statement of May 16 and every possibility of compromise on the basis of the Cabinet Mission's constitutional plan. The Working Committee accordingly calls upon His Majesty's Government to declare that the constitutional plan formulated by the Cabinet Mission, as announced on May 16, has failed because the Congress after all these months of efforts has not accepted the statement of May 16, nor have the Sikhs, nor the Scheduled Castes.

The proposals of May 16 could only be given effect to and carried out if the two major parties agreed to accept them. The Congress had not, and have not accepted and do not accept them, although the Muslim League had accepted,

by their resolution, the statement of May 16 as far back as June 6, 1946. But in view of the fact that the Congress refused to accept the proposals *in toto* and unequivocally, the Muslim League had to withdraw its acceptance on July 29, 1946.

The Working Committee of the All-India Muslim League are therefore, emphatically of the opinion that the elections to, and thereafter the summoning of the Constituent Assembly, in spite of strong protests and most emphatic objections on the part of the Muslim League, were *ab initio* void, invalid and illegal as not only the major parties had not accepted the statement but even the Sikhs and the Scheduled Castes had also not done so and that the continuation of the Constituent Assembly and its proceedings and decisions are *ultra vires,* invalid, and illegal and it should be forthwith dissolved.

In view of these facts and circumstances, the Working Committee are clearly of the opinion that [since] the Congress, as a major contracting party, has not accepted the statement of May 16 as clarified by the statement of His Majesty's Government of December 6, no useful purpose will be served by summoning a meeting of the Council of the All-India Muslim League to reconsider its decision of July 29, whereby it had withdrawn the acceptance of the Cabinet Mission's Plan of May 16, 1946.

48. 'The Observer' on the Muslim League Working Committee's Decision[1]

Legally and constitutionally, the resolution adopted by the Moslem League's Working Committee is unassailable. It was clearly the duty of Congress, as the major party, to do everything in its power to reassure the minorities for the sake of the unity of India which is its professed ideal. But its actions and utterances since it took office have had exactly the reverse effect. The Moslems would have been wiser to enter the Assembly, where they might have proved the bad faith of Congress which they have so often denounced. That course must still be pressed upon them, though the hope of their accepting it is small. The longer the strife in India is studied, the more one is driven to the conclusion, reached by certain Hindu writers as well as by Moslems, that something like Pakistan is the only ultimate salve.

49. V.P. Menon on Nehru's Interpretation of the Statement by His Majesty's Government[2]

The Viceroy saw Nehru on 21 February [1947] and pressed upon him the necessity of getting the Muslim League into the Constituent Assembly. The Viceroy adverted to the passages in the All-India Congress Committee's resolution of 6 January which seemed to need some explanation if the Muslim League was to be persuaded to join the Constituent Assembly. In the course of the discussion which ensued, Nehru argued that His Majesty's Government had recognized that they could not contemplate forcing an unwelcome constitution upon unwilling

[1]Editorial comment in *The Observer*, London, 9 February 1947.
[2]*The Transfer of Power in India*, Orient Longmans, Calcutta, 1957, p. 339.

parts of the country; it was only logical that large minorities inside a province, such as the Hindus in Bengal and the Hindus and Sikhs in the Punjab, could also not be compelled into an unacceptable constitution. There was some argument on the interpretation of the words 'parts of the country' in the last paragraph of the Statement of 6 December. Nehru argued that 'parts of the country' could mean 'parts of a province'. The Viceroy said that was certainly not the intention of His Majesty's Government. If the resolution of the All-India Congress Committee merely meant to emphasize the obvious truth that any constitution (provincial, group or central) could only be framed with the consent of the great majority of the people, the Congress should say so; but if it implied that a part of province could secede during the process of constitution-making, it was entirely inconsistent with the acceptance of the Cabinet Mission plan. The Viceroy urged that it was for the Congress to make its intention clear to the League.

IV. THE INTERIM GOVERNMENT

Introductory Note: The Cabinet Mission was also interested in Indianizing the Governor-General's Executive Council. After protracted negotiations with the Indian leaders, the Mission issued a statement on 16 June 1946, according to which the reformed Council was to consist of six nominees of the Congress, five nominees of the Muslim League and one representative each of the Sikhs, Parsis and Indian Christians. It was also said in this statement that "In the event of the two major parties or either of them proving unwilling to join in the setting up of a Coalition Government on the above lines, it is the intention of the Viceroy to proceed with the formation of an Interim Government which will be as representative as possible of those willing to accept the Statement of May 16th."

The proposals contained in the statement of June 16 were unacceptable to the Congress. On 22 June, one of Gandhi's assistants saw Sir Stafford Cripps and was given to understand that the Executive Council could not be re-formed without the Congress and that it could be re-formed without the Muslim League after the matter had been personally discussed with His Majesty's Government. On the basis of this understanding, the Congress decided to reject the Mission's proposals for the reconstitution of the Council. In this situation it is understandable that even though the Muslim League accepted the schemes contained in the statements of 16 May and 25 June, the Council was not Indianized.

The Muslim League's decision to withdraw its acceptance of the Mission's plan for the future constitution of India and to observe a Direct Action Day provided the excuse for the British Government to Indianize the Council without the League. Pandit Nehru was asked to make his own proposals for the reconstitution of the Council and a new Council took office on 2 September 1946.

Inasmuch as the Muslim League felt that "in the interests of the Mussalmans...it will be fatal to leave the entire field of administration of the Central Government in the hands of the Congress", it decided to join the Executive

Council, and the League Councillors were sworn in on 26 October, even though the League remained dissatisfied with the manner in which the Council had been reconstituted. There being no understanding between the Congress and the League nominees in the Council, the functioning of the Council was anything but smooth.

1. Letter from M.A. Jinnah to Lord Wavell[1]

8 *June* 1946

During the course of our discussions regarding the Interim Government at Simla and thereafter at Delhi on the 3rd of June after my arrival and before the meeting of the Muslim League Working Committee took place, you were good enough to give me the assurance that there will be only twelve portfolios, five on behalf of the League, five Congress, one Sikh and one Christian or Anglo-Indian; and that, as regards the portfolios, the most important portfolios will be equally divided between the League and the Congress in the distribution thereof, further details being left open for discussion.

With your previous permission I informed the Working Committee of this assurance and this was one of the most important considerations which weighed with them together with the statement of the Cabinet Mission. These two together formed one whole and, as such, the Council of the All-India Muslim League has given its final decision on the 6th of June. I may further inform you that similarly I had to repeat the assurance to the Council before they finally gave their approval. As you know, the meeting of the All-India Muslim League Council was held in camera and, there again, the house showed great opposition to the scheme in the beginning. During the course of discussions at a very early stage a large body of opposition was satisfied when I made the statement in answer to the very pressing question as to what our position will be with regard to the Interim Government. But for this assurance we would not have got the approval of the Council to the scheme. As requested by you I took as much care as possible to see that it did not become public.

I am writing this letter to you as I find that a very sinister agitation has been set on foot by the Congress press against your formula stated above, which was the turning point in our having secured the decision of the Council.

Any departure from this formula, directly or indirectly, will lead to very serious consequences and will not secure the co-operation of the Muslim League.

You know further that the Congress may adopt an offensive attitude by including a Muslim in their quota, which will be strongly resented by the Muslim League and which will be another very great hurdle before us.

2. Reply from Lord Wavell to M.A. Jinnah[2]

9 *June* 1946

Thank you for your letter of yesterday.

[1] *Papers Relating to the Cabinet Mission to India 1946*, Manager of Publications, Delhi, 1946, pp. 37-38.

[2] *Ibid.*, p. 38.

You speak of an assurance about the 5:5:2 ratio. There was no assurance on this point, but I told you, as I told the Congress, that this was what I had in mind. It would be wrong for me to leave you under the impression that there was any assurance, although I hope that we may reach agreement on that basis.

3. Sudhir Ghosh on Gandhi's Secret Meeting with Lord Pethick-Lawrence[1]

The British Ministers then turned their attention towards the formation of an Interim Government of India representing the political parties—in the hope that if agreement could be reached between the two major parties on immediate sharing of power, then the disagreement over the long-term proposal for constitution-making might become easier of solution. But the basic conflict came to the surface very soon. Mr. Jinnah claimed, in a letter to the Viceroy on 8th June, that the Viceroy had given him an assurance in the course of discussion on the subject that there would be 12 portfolios, and the parties would be represented in the ratio of 5:5:2, *i.e.* five Muslim League nominees, five Congress Party nominees, and one Sikh and one Indian Christian or Anglo-Indian. The Viceroy denied that he had given any such assurance but admitted that he had indicated in the conversation that he had this ratio in mind. This 'parity' between the majority and minority, between the Muslim League and the Congress, was of course wholly unacceptable to the majority party. In giving Mr. Jinnah such an indication the Viceroy had seriously slipped up and the Secretary of State was disturbed about it. He sent for me on the 12th June and told me how upset he was about it. Was there no way of persuading Gandhiji to find a way out of this tangle? I told the Secretary of State that the only thing to do was to have a heart-to-heart talk with Gandhiji and to appeal to him for help. So he asked me if I could not fetch Gandhiji to his house for a talk that evening and wrote out this brief letter:

Office of the Cabinet Delegation
The Viceroy's House
New Delhi
12th *June* 1946.

My dear Gandhiji,

It would be such a pleasure to me if you could come to see me to have a talk some time and I am thinking that 7:30 p.m. today at our home 2 Willingdon Crescent might suit you best.

Perhaps Sudhir Ghosh who is kindly carrying this note will ring up my Secretary Mr. Turnbull and confirm.

Yours sincerely
Pethick-Lawrence

Gandhiji thought it was necessary to see the Viceroy and hear from him precisely what commitment he had actually made to Mr. Jinnah before he could advise the Secretary of State how to repair the damage. So he went to the Viceroy in the afternoon before he met his own colleagues in the Congress Working Committee and later, in the evening, went with me to the Secretary of State. He recorded

[1] *Gandhi's Emissary*, Rupa & Co., Calcutta, Allahabad, Bombay, 1967, pp. 154-158.

his advice to these British friends in two letters he wrote to the Viceroy on 12th and 13th June.

Valmiki Mandir
Reading Road, New Delhi
12*th June,* 1946

Dear Friend,

From you, almost straightaway, I went to the Working Committee which, owing to his illness, was held at Maulana Saheb's quarters. I gave them the gist of conversation, told them that I gladly endorsed your suggestion about the parties meeting to fix up names subject to the proviso that no party should talk of parity; you should invite them simply to submit to you a joint list of the Cabinet of the Provisional Interim Government which you would approve or, if you did not, you would invite them to submit a revised list bearing in mind your amendments, that the list should represent a coalition Government composed of persons of proved ability and incorruptibility. I suggested too that in the place of parity there should be active enforcement of the long-term provision in your joint statement that in all major communal issues there should be communal voting to decide them. I suggested also that in the event of absence of agreement between the parties in spite of all effort, you should examine the merits of the respective lists of the two parties and accept either the one or the other (not amalgam) and announce the names of the Interim Government, but before that final step was taken you should closet yourself until a joint list was prepared. I told the Working Committee that you had seemed to endorse my suggestions.

I told them further that, so far as I know, it was a point of honour with Congressmen that there could be no joint consultation in which Maulana Saheb was not associated with the talks. You said it was a sore point with Quaid-i-Azam Jinnah and I replied that the soreness was wholly unwarranted and that the Congress could not be expected to sacrifice its faithful servant of twenty-five years' standing whose self-sacrifice and devotion to the national cause had never been in question. But I told you that your great experience and ability to handle delicate matters would show you the way out of the difficulty.

Finally, I told the Committee that I drew your attention to the fact that the European vote which was being talked of was unthinkable in connection with the Constituent Assembly and nothing but a public declaration by the European residents of India or one by you on their behalf could make possible the formation of the Constituent Assembly. I gathered from you that the question was already engaging your attention and that it should be satisfactorily solved.

Probably you have already moved in the matter of the joint talk. Nevertheless, I thought that I owed it to you and the Working Committee to put on record what I had reported about our talks. If I have in any way misunderstood you, will you please correct me?

I may say that the Working Committee had its draft letter ready but, at my suggestion, it postponed consideration of it pending the final result of your effort adumbrated in this letter. The draft letter takes the same view that I placed

before you yesterday on parity and the European vote and their election as members of the contemplated Constituent Assembly.

I close with the hope that your effort will bear the fruit to which all are looking forward.

Yours sincerely,
M.K. Gandhi

H. E. the Viceroy,
New Delhi

In the second letter Gandhiji said:

Bhangi Colony
Reading Road, New Delhi
13*th June,* 1946

Dear Friend,

Lord Lawrence conveyed your thanks to me last night when he invited me to see him.

Please believe me when I say that I have never been guilty consciously of doing anything for thanks. 'Duty will be merit when debt becomes donation.' You are a very great soldier—a daring soldier. Dare to do the right. You must make your choice of one horse or the other. So far as I can see you will never succeed in riding two at the same time. Choose the names submitted either by the Congress or the League. For God's sake do not make an incompatible mixture and in trying to do so produce a fearful explosion. Anyway, fix your time limit and tell us all to leave when that limit is over.

I hope I have made my meaning clear.

Yours sincerely,
M.K. Gandhi

H.E.Lord Wavell

The Viceroy replied the next day to say:

The Viceroy's House
New Delhi
13*th June,* 1946

Dear Mr. Gandhi,

Many thanks for your two letters of yesterday and today, I am grateful to you for writing and for your helpful suggestions which I will certainly bear in mind.

I had a talk with Sudhir Ghosh this morning and hope to see Pandit Jawaharlal Nehru again this afternoon.

Yours sincerely,
Wavell

M.K. Gandhi, Esq.

4. Letter from M.K. Gandhi to Sir Stafford Cripps[1]

13 *June* 1946

You are handling the most difficult task of your life. As I see it, the Mission is playing with fire. If you have courage you will do what I suggested from the very beginning. . . .you will not be able to have your cake and eat it. You will have to choose between the two—the Muslim League and the Congress, both your creations. . . .Coquetting now with the Congress, now with the League and again with the Congress, wearing yourself away, will not do. Either you swear by what is right or by what the exigencies of British policy may dictate. In either case bravery is required. Only stick to the programme. Stick to your dates even though heavens may fall. Leave by the 16th (June) whether you allow the Congress to form a coalition or the League. If you think that the accumulated British wisdom must know better than these two creations of yours I have nothing to add. But I have fancied that you are not cast in that mould.

5. Letter from Abul Kalam Azad to Lord Wavell[2]

13 *June* 1946

Pandit Jawaharlal Nehru has reported to my Committee and me the gist of the conversations between Your Excellency and him. My Committee regret that they are unable to accept your suggestions for the formation of the Provisional National Government. These tentative suggestions emphasise the principle of 'parity' to which we have been and are entirely opposed. In the composition of the Cabinet suggested by you there is 'parity' between the Hindus including the Scheduled Castes and the Muslim League, that is the number of the Caste Hindus is actually less than the nominees of the Muslim League. The position thus is worse than it was in June 1945 at Simla where, according to your declaration then, there was to be 'parity' between Caste Hindus and Muslims, leaving additional seats for the Scheduled Caste Hindus. The Muslim seats then were not reserved for the Muslim League only but could include non-League Muslims. The present proposal thus puts the Hindus in a very unfair position and at the same time eliminates the non-League Muslims. My Committee are not prepared to accept any such proposal. Indeed we have stated repeatedly we are opposed to 'parity' in any shape or form.

In addition to this 'parity' we are told that there should be a convention requiring that major communal issues should be decided by separate group voting. While we have accepted this principle for long term arrangements we did so as an effective substitute for other safeguards. In your present proposal however, both 'parity' and this convention are suggested. This would make the working of the Provisional Government almost impossible and deadlock a certainty.

As I have often pointed out to you we are strongly of the opinion that the

[1] Pyarelal, *Mahatma Gandhi—The Last Phase,* Volume I, Navajivan Publishing House, Ahmedabad, February 1956, pp. 225-226.

[2] *Papers Relating to the Cabinet Mission to India* 1946, Manager of Publications, Delhi, 1946, p. 39.

Provisional Government should consist of fifteen members. This is necessary to carry out the administration of the country efficiently as well as to give adequate representation to the smaller minorities. We are anxious that the various minorities should have scope in such a government. The work before the Provisional Government is likely to be much heavier and more exacting. In your proposals Communications include Railways, Transport, Posts, Telegraphs and Air. It is difficult for us to conceive how all these can be joined together in one portfolio. This would be highly undesirable at any time; with industrial troubles and the possibility of railway strikes this arrangement would be wholly wrong. We think also that Planning is an essential Department for the Centre. We think, therefore, that the Provisional Government must consist of fifteen members.

The suggested division of portfolios appears to us to be undesirable and unfair.

My Committee would also like to point out that a Coalition Government in order to be successful must have some common outlook and programme for the time being. The manner of approach in forming such a government has been such as to leave this out of consideration and my Committee do not feel any confidence that such a coalition can function successfully.

6. Statement by the Cabinet Delegation and the Viceroy on the Formation of the Interim Government[1]

16 *June* 1946

1. His Excellency the Viceroy, in consultation with the members of the Cabinet Mission, has for some time been exploring the possibilities of forming a Coalition Government drawn from the two major parties and certain of the minorities. The discussions have revealed the difficulties which exist for the two major parties in arriving at any agreed basis for the formation of such a Government.

2. The Viceroy and the Cabinet Mission appreciate these difficulties and the efforts which the two parties have made to meet them. They consider however that no useful purpose can be served by further prolonging these discussions. It is indeed urgently necessary that a strong and representative Interim Government should be set up to conduct the very heavy and important business that has to be carried through.

3. The Viceroy is therefore issuing invitations to the following to serve as members of the Interim Government, on the basis that the constitution-making will proceed in accordance with the statement of May 16th:

Sardar Baldev Singh	Dr. John Matthai
Sir N.P. Engineer	Nawab Mohammad Ismail Khan
Mr. Jagjivan Ram.	Khwaja Sir Nazimuddin
Pandit Jawaharlal Nehru	Sardar Abdur Rab Nishtar
Mr. M. A. Jinnah	Mr. C. Rajagopalachari

[1] *Ibid.*, pp. 43-44.

Nawabzada Liaquat Ali Khan	Dr. Rajendra Prasad
Mr. H. K. Mahatab	Sardar Vallabhbhai Patel

If any of those invited is unable for personal reasons to accept, the Viceroy will after consultation invite some other person in his place.

4. The Viceroy will arrange the distribution of portfolios in consultation with the leaders of the two major parties.

5. The above composition of the Interim Government is in no way to be taken as a precedent for the solution of any other communal question. It is an expedient put forward to solve the present difficulty only, and to obtain the best available coalition Government.

6. The Viceroy and the Cabinet Mission believe that Indians of all communities desire to arrive at a speedy settlement of this matter so that the process of constitution-making can go forward and that the Government of India may be carried on as efficiently as possible in the meantime.

7. They therefore hope that all parties, especially the two major parties, will accept this proposal so as to overcome the present obstacles and will co-operate for the successful carrying on of the Interim Government. Should this proposal be accepted the Viceroy will aim at inaugurating the new Government about the 26th June.

8. In the event of the two major parties or either of them proving unwilling to join in the setting up of a Coalition Government on the above lines, it is the intention of the Viceroy to proceed with the formation of an Interim Government which will be as representative as possible of those willing to accept the statement of May 16th.

9. The Viceroy is also directing the Governors of the Provinces to summon the Provincial Legislative Assemblies forthwith to proceed with the elections necessary for the setting up of the constitution-making machinery as put forward in the statement of May 16th.

7. Letter from M.A. Jinnah to Lord Wavell[1]

19 *June* 1946

In my interview with you at Simla prior to the announcement of the Cabinet Delegation's proposals, you had informed me that you were going to form the Interim Government consisting of twelve members on the basis of five Muslim League, five Congress, one Sikh and one Indian Christian or Anglo-Indian. As regards the portfolios you had indicated that the important ones would be equally divided between the Muslim League and the Congress but details of actual allotment were to be left open for discussion. After the statement of the Cabinet Delegation and yourself, dated the 16th May 1946, you again on the 3rd of June at New Delhi gave me to understand that the formula for the formation of the Interim Government disclosed to me at Simla would be followed. On both the occasions I sought your permission to communicate this information to my Working Committee which you kindly gave. Accordingly I gave a full account of the talks I had

[1] *Ibid.*, pp. 44-46.

with you and the decision of the Working Committee in regard to the acceptance of the long term proposals was largely influenced by the faith which they reposed in the scheme for the formation of the Interim Government disclosed by you to me on the two occasions. Further as I have already pointed out in my letter to you of the 8th June 1946, I made the statement before the Council of the All-India Muslim League that that was the formula, which, I was assured by you, would be the basis on which you would proceed to form your Interim Government, and therefore, this formed an integral part of the plan embodied in the statement of the Cabinet Delegation. This was one of the most important considerations which weighed with the Council of the All-India Muslim League also in arriving at this decision, although even then there was a section that was opposed to the plan being accepted.

When the Congress Press started a sinister agitation against Congress-League parity, with a view to inform you of the Muslim League stand, I wrote to you on the 8th June that "any departure from this formula, directly or indirectly, will lead to serious consequences and will not secure the co-operation of the Muslim League".

Subsequently, in my interview with you on the 13th June you informed me that you wanted to alter the basis and proceed on the formula of five Congress, five Muslim League and three others, namely, one Sikh, one Scheduled Caste and one Indian Christian. I told you then that if any change was proposed to be made I would have to place the matter before the Working Committee and may have to call another meeting of the Council of the All-India Muslim League. I also informed you that when the Congress finally agreed to your new formula I would then place it before my Working Committee for them to take such action as they deem necessary.

After discussion with the Congress representatives you wrote to me on the 15th June informing me that you had failed to negotiate an agreement on the composition of the Interim Government on the basis of 5:5:3 and that the Cabinet Delegation and yourself would issue a statement on the 16th of June on the action that you proposed to take and that you would let me have a copy of it before publication.

Accordingly you sent me a copy of the statement by the Cabinet Delegation and yourself on the 16th June with a covering letter of the same date which I placed before my Working Committee and who after careful consideration of the matter have authorized me to state as follows:

(*a*) That the Working Committee are surprised that invitations have been issued to five Muslim Leaguers to join the Interim Government without calling for a list from the leader of the Muslim League.

(*b*) That your latest proposal on the basis of which you now desire to form your Interim Government shows that you have abandonded parity between the Congress and the Muslim League, the two major parties, and have substituted parity between the Muslim League and Caste Hindus, and have added a fourth representative of the minorities, namely, a Parsi. One of the minority representatives nominated by you, *i.e.*, Mr. Jagjivan Ram, is a Congressman and has been

selected, it appears, not to give real representation to the Scheduled Castes, but to give an additional seat to the Congress in the Interim Government.

(*c*) That the modifications which have been made in the original formula for the Interim Government have adversely affected the proportion of the Muslims in the Interim Government as a whole and as against the Congress as a single group.

(*d*) That in view of the serious changes which have from time to time been made to satisfy the Congress, it is not possible for the Working Committee to arrive at any decision in the matter of the formation of the Interim Government so long as the Congress does not finally convey its decision on the proposals to you. And

(*e*) That the question of distribution of portfolios should also be finally decided so that there may be no further hitch created by the Congress in this regard and the Working Committee may have a complete picture before them when they meet to consider the proposals.

Further, I shall be grateful if you will please make the following points clear with reference to your letter and statement of the 16th June:

(1) Whether the proposals contained in the statement for the setting up of an Interim Government are now final or whether they are still open to any further change or modification at the instance of any of the parties or persons concerned;

(2) Whether the total number of 14 Members of the Government as proposed in the statement would remain unchanged during the interim period:

(3) If any person or persons invited as representatives of the four minorities, *viz.*, the Scheduled Castes, the Sikhs, the Indian Christians and the Parsis, is or are unable to accept the invitation to join the Interim Government for personal or other reasons, how will the vacancy or vacancies thus created be filled by the Viceroy; and whether in filling up the vacancy or vacancies the leader of the Muslim League will be consulted and his consent obtained;

(4) (*a*) Whether during the interim period for which the Coalition Government is being set up the proportion of Members of the Government, community-wise, as provided in the proposals, will be maintained;

(*b*) Whether the present representation given to four minorities, *viz.*, the Scheduled Castes, the Sikhs, the Indian Christians and the Parsis will be adhered to without any change or modification; and

(5) In view of the substitution of 14 now proposed for the original of 12 and the change made in the original formula, whether there will be a provision, in order to safeguard Muslim interests, that the Executive Council shall not take any decision on any major communal issue if the majority of the Muslim Memmers are opposed to it.

I trust that you will kindly favour me with your reply as soon as possible.

8. Reply from Lord Wavell to M.A. Jinnah[1]

20 *June* 1946

I thank you for your letter of the 19th June which I have shown to the

[1] *Ibid.*, pp. 46-47.

Cabinet Mission.

2. I do not think it is necessary for me to comment on the first part of your letter. I am sure you will appreciate that negotiations designed to secure acceptance by two parties with conflicting interests may not always end on the same basis as that on which they began; and, as you know, I never gave you any guarantee that they would necessarily be concluded on any particular basis.

3. I note the views of the Muslim League set out in paragraphs (*a*) to (*e*) of your letter.

4. The intention in the statement of June 16th was that the discussion of portfolios with leaders of the two main parties should follow the acceptance by both parties of the scheme. This intention still holds, since until the names are known, it is difficult to decide on the distribution of portfolios.

5. On the points which you desire to be made clear, in connection with the Government to be formed under our statement of June 16th, I give you the following reply after consultation with the Delegation:

(1) Until I have received acceptances from those invited to take office in the Interim Government, the names in the statement cannot be regarded as final. But no change in principle will be made in the statement without the consent of the two major parties.

(2) No change in the number of 14 Members of the Interim Government will be made without the agreement of the two major parties.

(3) If any vacancy occurs among the seats at present allotted to representatives of minorities, I shall naturally consult both the main parties before filling it.

(4) (*a*) and (*b*) The proportion of members by communities will not be changed without the agreement of the two major parties.

(5) No decision on a major communal issue could be taken by the Interim Government if the majority of either of the main parties were opposed to it. I pointed this out to the Congress President and he agreed that the Congress appreciated this point.

(6) If you agree, I will send copies of the questions in your letter and of paragraphs 4 and 5 of this letter to the President of the Congress.

9. Letter from Lord Wavell to Abul Kalam Azad[1]

22 *June* 1946

I understand from Press reports that there is strong feeling in Congress circles that the party should insist on their right to include a Muslim of their own choice among the representatives of the Congress in the Interim Government.

For reasons of which you are already aware it is not possible for the Cabinet Mission or myself to accept this request, but I would draw your attention to paragraph 5 of the statement of the 16th June which reads as follows:-

"The above composition of the Interim Government is in no way to be taken as a precedent for the solution of any other communal question. It is an

[1] *Ibid.*, pp. 48-49.

expedient put forward to solve the present difficulty only, and to obtain the best available Coalition Government."

In the light of this assurance that no precedent is established we appeal to the Congress not to press their demand, but to take part in the strong Interim Government which the country so urgently needs.

10. Pyarelal on Cripps' View about the Formation of the Interim Government without the Muslim League[1]

New Delhi, 20th June, 1946

Bapu [Gandhi] again reiterated his stand in the Working Committee in regard to the inclusion of a nationalist Muslim. The Sardar [Patel] strongly supported him and told the members that they dared not make terms with the Cabinet Mission by repudiating Bapu. In the end it was decided to send Bapu's draft letter to the Cabinet Mission....

Between 1:30 and 2:45 p.m. Cripps came and saw Bapu. Bapu again urged upon him that the Cabinet Mission must choose between the one or the other party, not attempt an amalgam; the Cabinet Mission were pursuing a wrong course. Cripps was apologetic. It would be difficult to begin anew after having come so far; Jinnah would not listen, and so on. In the end Bapu told him that in that case the Cabinet Mission could go the way they liked; he would have nothing to do with it.

New Delhi, 21st June, 1946

Bapu's draft was again discussed in the Working Committee. Bapu warned the members that they would not gain anything by entering on their new venture on bended knee. He reiterated his opinion that if the Cabinet Mission did not accept their conditions, it would be better to let the Muslim League form a National Government at the Centre during the interim period.

New Delhi, 22nd June, 1946

Sudhir Ghosh saw Cripps. He reported that Cripps had told him that the Congress stand in regard to the inclusion of a nationalist Muslim was absolutely logical and legitimate but could not the Working Committee waive it? They had proceeded on a written assurance which they had received from the Maulana Saheb [Azad] that the Working Committee would not stick out on that point. And now they felt themselves placed in an awkward position. On Sudhir's asking why they could not entrust the power to the League if the Congress declined to accept it on the Cabinet Mission's terms, Cripps replied that they did not feel that the League by itself could be entrusted with it.

"Then why not entrust it to the Congress?"

"For that we shall need the authority of H.M.G."

"Could not that be done from here?"

"No, that would require personal discussion."

[1]*Mahatma Gandhi—The Last Phase,* Volume I, Navajivan Publishing House, Ahmedabad, February 1956, pp. 233-234.

At noon, a letter was received from the Viceroy asking the Congress President not to press the demand about the inclusion of a Muslim of their choice among the representatives of the Congress in the Interim Government. It achieved what Bapu's persuasion had failed to do so far. On the question being put to the vote in the Working Committee all except one were opposed to the acceptance of power on those terms

11. Letter from Abul Kalam Azad to Lord Wavell on the Formation of the Interim Government[1]

25 *June*, 1946

Ever since the receipt of your statement of June 16th my Committee have been considering it from day to day and have given long and anxious thought to your proposals and to the invitations you have issued to individuals to form the Provisional National Government. Because of our desire to find some way out of the present most unsatisfactory situation, we have tried out utmost to appreciate your approach and view-point. In the course of our conversation we have already pointed out to you our difficulties. Unfortunately these difficulties have increased by the recent correspondence.

The Congress, as you are aware, is a national organisation including in its fold the members of all religions and communities in India. For more than half a century it has laboured for the freedom of India and for equal rights for all Indians. The link that has brought all these various groups and communities together within the fold of the Congress is the passionate desire for national independence, economic advance and social equality. It is from this point of view that we have to judge every proposal. We hoped that a Provisional National Government would be formed which would give effect in practice to this independence. Appreciating some of your difficulties, we did not press for any statutory change introducing independence immediately, but we did expect a *de facto* change in the character of the Government making for independence in action. The status and powers of the Provisional Government are thus important. In our view this was going to be something entirely different from the Viceroy's Executive Council. It was to represent a new outlook, new methods of work, and a new psychological approach by India to both domestic and external problems. Your letter dated 30th May, 1946, gave us certain assurances about the status and powers of the Provisional Government. These did not go far enough, according to our thinking, but we appreciated the friendly tone of that letter and decided to accept the assurances and not to press this particular matter any further.

The important question of the composition of the Provisional Government remained. In this connection we emphasised that we could not accept anything in the nature of 'parity' even as a temporary expedient and pointed out that the Provisional Government should consist of fifteen members to enable the administration of the country to be carried on efficiently and the smaller minorities to be represented in it. Some mention of names was made and on our part suggestions were put before you informally, including the name of a non-League Muslim.

[1] *Papers Relating to the Cabinet Mission to India* 1946, Manager of Publications, Delhi, 1946, pp. 49-51.

In your statement of June 16th, some of the names suggested came as a surprise to us. Several changes have been made from the provisional list prepared by the Congress. The manner of preparing your list and presenting it as an accomplished fact seemed to us to indicate a wrong approach to the problem. One of the names included has not been previously mentioned at all and was that of a person holding an official position and not known to be associated with any public activity. We have no personal objection to him, but we think that the inclusion of such a name particularly without any previous reference or consultation, was undesirable and indicated a wrong approach to the problem.

Then again a name from our list was excluded and in his place another of our colleagues was put in, but as you have said that this can be rectified, I need not say more about it.

One outstanding feature of this list was the non-inclusion of any Nationalist Muslim. We felt that this was a grave omission. We wanted to suggest the name of a Muslim to take the place of one of the Congress names on the list. We felt that no one could possibly object to our changing the name of one of our own men. Indeed when I had drawn your attention to the fact that among the Muslim League nominees was included the name of a person, who had actually lost in the recent elections in the Frontier Province and whose name we felt had been placed there for political reasons, you wrote to me as follows: "I am afraid that I cannot accept the right of the Congress to object to names put forward by the Muslim League, any more than I would accept similar objections from the other side. The test must be that of ability." But before we could make our suggestion I received your letter of 22nd June which surprised us greatly. You had written this letter on the basis of some Press reports. You told us that the Cabinet Mission and you were not prepared to accept a request for the inclusion of a Muslim chosen by the Congress among the representatives of the Congress in the Interim Government. This seemed to us an extraordinary decision. It was in direct opposition to your own statement quoted above. It meant that the Congress could not freely choose even its own nominees. The fact that this was not to be taken as a precedent made hardly any difference. Even a temporary departure from such a vital principle could not be accepted by us at any time or place and in any circumstances.

In your letter of the 21st June, you give certain questions framed by Mr. Jinnah in his letter dated 19th June, and your replies to them. We have not seen Mr. Jinnah's full letter. In question 3 reference is made to "representation of the four minorities *viz.*, the Scheduled Castes, the Sikhs, the Indian Christians and the Parsees", and it is asked as to "who will fill in vacancies caused in these groups, and whether in filling up the vacancies the Leader of the Muslim League will be consulted and his consent obtained".

In your answer you say "if any vacancy occurs among the seats at present allotted to representatives of minorities, I shall naturally consult both the main parties before filling it". Mr. Jinnah has thus included the Scheduled Castes among the minorities and presumably you have agreed with this view. So far as we are concerned we repudiate this view and consider the Scheduled Castes as integral

parts of Hindu society. You also, in your letter of June 15th, treated the Scheduled Castes as Hindus. You pointed out that in your proposal there was no 'parity' either between Hindus and Muslims or between the Congress and the Muslim League inasmuch as there were to be six Hindus belonging to the Congress, as against five Muslims belonging to the League. One of the six Hindus belonged to the Scheduled Castes. We are in any case not agreeable to the Leader of a Party, which claims to represent a community which is a minority, interfering with the selection of names from either the Scheduled Castes, whose representation you contend as falling within the Congress quota, or with the selection of representatives of the minorities mentioned.

In question 4 the Scheduled castes are again referred to as a minority and it is asked whether the proportion of members of the Government community-wise as provided in the proposals will be maintained. Your answer is that the proportion will not be changed without agreement of the two major parties. Here again one communal group functioning admittedly as such is given a power to veto changes in other groups with which it has no concern. We may desire, if opportunity offers itself, to increase the representation of the Scheduled Castes, or to give representation, when it is possible, to another minority, for example, the Anglo-Indians. All this would depend on the consent of the Muslim League. We cannot agree to this. We may add that your answers restrict the Congress representation to Caste Hindus; and make it equal to that of the League.

Finally, you state in answer to question 5 that "No decision of a major communal issue could be taken by the Interim Government if the majority of either of the main parties were opposed to it." You further say that you had pointed this out to the Congress President and he had agreed that the Congress appreciated this point. In this connection I desire to point out that we had accepted this principle for the long-term arrangement in the Union Legislature and it could possibly be applied to the Provisional Government if it was responsible to the Legislature and was composed of representatives on the population basis of major communities. It could not be applied to the Provisional Government formed on a different basis altogether. It was pointed out by us in my letter of the 13th June, 1946, that it would make administration impossible and deadlocks a certainty. Even in the question as framed by Mr. Jinnah, it is stated, "In view of the substitution of 14 now proposed for the original 12," no major communal issues should be decided if the majority of the Muslim Members are opposed to it. Thus this question arose after the substitution of 14 for 12, *i.e.,* after your statement of 16th June. In this statement no mention is made of this rule. This very important change has been introduced, almost casually and certainly without our consent. This again gives the power of veto or obstruction to the Muslim League in the Provisional Government.

We have stated above our objections to your proposals of 16th June as well as to your answers to the questions framed by Mr. Jinnah. These defects are grave and would render the working of the Provisional Government difficult and deadlocks a certainty. In the circumstances your proposals cannot fulfil the immediate requirements of the situation or further the cause we hold dear.

My Committee have, therefore, reluctantly come to the conclusion that they are unable to assist you in forming a Provisional Government as proposed in your statement of 16th June, 1946.

With regard to the proposals made in the statement of 16th May, 1946, relating to the formation and functioning of the constitution-making body, the Working Committee of the Congress passed a resolution on the 24th May, 1946, and conversations and correspondence have taken place between Your Excellency and the Cabinet Mission on the one side and myself and some of my colleagues on the other. In these we have pointed out what in our opinion were the defects in the proposals. We also gave our interpretation of some of the provisions of the statement. While adhering to our views, we accept your proposals and are prepared to work them with a view to achieve our objective. We would add, however, that the successful working of the Constituent Assembly will largely depend on the formation of a satisfactory Provisional Government.

12. Letter from Lord Wavell to M.A. Jinnah[1]

25 *June* 1946

You asked for a letter in confirmation of what the Delegation said to you this evening.

We informed you that the Congress had accepted the Statement of May 16th, while refusing to take part in the Interim Government proposed in the Statement of June 16th.

This has produced a situation in which paragraph 8 of the Statement of June 16th takes effect. This paragraph said that if either of the two major parties was unwilling to join in the setting up of a Coalition Government on the lines laid down in the Statement, the Viceroy would proceed with the formation of an Interim Government "which will be as representative as possible of those willing to accept the Statement of May 16th."

Since the Congress and the Muslim League have now both accepted the Statement of May 16th, it is the intention to form a Coalition Government including both those parties as soon as possible. In view, however, of the long negotiations which have already taken place, and since we all have other work to do we feel that it will be better to have a short interval before proceeding with further negotiations for the formation of an Interim Government.

This, therefore, is the course of action we propose to adopt, unless the two main parties can within the next few days agree upon a basis on which they can co-operate in a Coalition Government.

Meanwhile the election and summoning of a Constituent Assembly, as laid down in the Statement of May 16th, are going forward.

[1] *Ibid.*, pp. 52-53.

13. Resolution of the Muslim League Working Committee.[1]

25 *June* 1946

The President of the All-India Muslim League placed before the Working Committee a copy furnished to him by the Viceroy and the Cabinet Delegation in the course of their interview with him this evening, of the letter of the Congress President addressed to the Viceroy, conveying the decision of the Congress with regard to the proposals of the Cabinet Delegation and the Viceroy contained in their statements of the May 16 and June 16, 1946.

1. According to the understanding that the Muslim League Working Committee will give their decision after the Congress has decided, and, as desired by the Viceroy by the letter of his Private Secretary dated June 21 addressed to the Honorary Secretary of the All-India Muslim League, Nawabzada Liaquat Ali Khan, that the decision of the Muslim League be communicated immediately after the reply of the Congress, the Working Committee of the All-India Muslim League hereby resolve to agree to join the Interim Government on the basis of the statement of the Cabinet Delegation and His Excellency the Viceroy dated June 16, 1946 and the clarifications and assurances given by the Viceroy after consultation with the Cabinet Delegation in his letter dated June 20, 1946 addressed to the President of the All-India Muslim League.

2. The Working Committee cannot accept the contention of the Congress contained in the aforesaid letter that the Congress is entitled to adhere to its interpretation of some of the provisions in the statement of the Cabinet Delegation and His Excellency the Viceroy dated May 16, 1946, which is opposed to the interpretation and explanation embodied in the statement issued by the Cabinet Delegation and the Viceroy on May, 25 1946.

3. With regard to the rest of the letter of the Congress President, the Working Committee reserve their observations, for the present.

14. M.A. Jinnah on the Postponement of the Formation of the Interim Government[2]

27 *June* 1946

Prior to the Cabinet Delegation's statement of 16th May and further statement of 25th May, the Viceroy at Simla represented to me that he would proceed with the formation of an Interim Government on the basis of the formula 5:5:2, *i.e.,* 5 on behalf of the Muslim League, 5 on behalf of the Congress, one Sikh and one Indian Christian or Anglo-Indian, and that, as regards the portfolios, the most important of them would be equally divided between the Congress and the Muslim League, further details being left open for discussion. With the permission of the Viceroy I was authorised to state this formula to the Working Committee at Simla, on the assumption that the long-term proposals would be such as would

[1] *Resolutions of the All-India Muslim League from January 1944 to December 1946*, published by Mr. Liaquat Ali Khan, Honorary Secretary, All-India Muslim League pp. 53-54.

[2] *Papers Relating to the Cabinet Mission to India, 1946*, Manager of Publications, Delhi, 1946,pp. 55-58

be acceptable to us. Thereafter again, on the eve of the meeting of the Working Committee of the Muslim League, in my interview on 3rd June, the Viceroy repeated the same formula and authorised me to communicate it to my Working Committee.

This was one of the most important considerations which weighed with them together with the two statements of the Cabinet Delegation of 16th May and 25th May. The long-term plan and the Interim Government formula together formed one whole, and this formula regarding the Interim Government was an integral part of the whole scheme and as such the Council of the All-India Muslim League gave its final decision on that basis on the 6th of June.

Thereafter, the Viceroy sent for me on 13th June and he suggested a formula of 5:5:3. Owing to the agitation set on foot by the Congress Press and the opposition of the Congress to the original formula, I had already given a warning to the Viceroy in a letter on 8th June that any departure from this formula, directly or indirectly, would lead to serious consequences and would not secure the co-operation of the Muslim League, and that I might have to call a meeting of the Council of the All-India Muslim League again. At my interview with the Viceroy on 13th June I was told by him that he wanted to change the basis of the original formula and proceed on the basis of 5 Congress, 5 Muslim League and 3 others, *i.e.*, one Sikh, one Scheduled Caste and one Indian Christian or Anglo-Indian.

In spite of the difficulties that I had pointed out would arise, I informed the Viceroy that if the Congress were, finally, to agree to this new formula, I would place it before my Working Committee for their consideration. But even this second proposal of the Viceroy was turned down by the Congress, and His Excellency the Viceroy informed me in his letter of 15th June that he had failed to negotiate an agreement on the basis which he had suggested, and that the Cabinet Delegation and he had decided to issue their statement on 16th June on the action they proposed to take. Accordingly, the statement of 16th June was issued to the Press and advance copy was sent to me. These were, we were categorically informed, final and not open to any modification, except that the names in the statement could not be regarded as final, until the Viceroy had received acceptances from those invited to take office in the Interim Government.

On 19th June I wrote to the Viceroy seeking certain clarifications regarding the statement of 16th June, to which a reply was received from him on 20th June after he had consulted the Cabinet Delegation. The following extracts are from that letter of the viceroy in reply to questions put to him.[1]

I had by my letter of 19th June informed the Viceroy that in view of the serious changes which had from time to time been made to satisfy the Congress, it was not possible for the Working Committee to arrive at any decision in the matter of formation of the Interim Government so long as the Congress did not convey their final decision on the proposals of 16th June to the Viceroy and until it was communicated to me.

[1]Here follows the portion from (1) to (5) in the Viceroy's letter to M. A. Jinnah dated 20 June, reproduced on pp. 175-6.

It was finally arranged that the Congress should give their decision by Sunday, 23rd June, and the League should give its decision on the same day or immediately thereafter. The reply of the Congress was, however, not forthcoming till late in the evening on 25th June and I was asked to meet the Cabinet Delegation and the Viceroy the same evening. There I was furnished with a copy of the letter of the President of the Congress dated 25th June.

According to the arrangement referred to above, I placed this reply before my Working Committee immediately, and the same day the Muslim League Working Committee adopted the... resolution which was communicated to H.E. the Viceroy the same night.

I regret that the Cabinet Delegation and the Viceroy should have thought fit to postpone indefinitely the formation of the Interim Government on the basis of their statement of 16th June, as that statement clearly says that the Viceroy aimed at inaugurating the Interim Government about 26th June. It is very difficult to see what are the mysterious reasons and causes for this sudden departure. The Muslim League emphatically disapproves of this action on the part of the Cabinet Delegation and the Viceroy, because all contingencies, including rejection by the Congress, were contemplated by and provided for in the statement of 16th June, and clause 8 of the statement, taken along with the context, is quite clear and the Delegation and the Viceroy were in honour bound to go ahead with the formation of the Interim Government immediately with those who were willing to come into the Interim Government on the basis and principles set out in their statement of 16th June.

As regards the resolution of the Congress, I must emphatically repudiate their bogus claim that they represent India and their claim to 'national' character. The Congress are a Hindu organization and they do not represent any other community except the Caste Hindus. They certainly do not represent the Muslims and the mere fact that they have a handful of Muslim henchmen for the purpose of window-dressing cannot give the national character which they claim, nor the right to represent India upon which they keep on harping. This has been established beyond doubt in the recent elections, the results of which show that the Muslim League carried away 90 per cent of the total of Muslim seats in the various legislatures, and out of the remaining 10 per cent. the Congress share does not amount to more than four per cent.

The Congress, therefore, have no right to represent or speak on behalf of the Muslims and their refusal to accept the proposals for the formation of the Interim Government is based on sinister motives. Firstly, they wanted to break the parity between the Muslims and the Caste Hindus. It was accepted by them at Simla last year at the conference called by the Viceroy in connexion with the Wavell Proposals, and, secondly, their insistence on nominating a Congress Muslim is aimed at striking at the fundamentals of the Leauge and its Muslim national representative character, and at attempting to establish a false claim that the Congress represents the Muslims and the Muslim Leauge is not the representative organization of Muslim India. As it is pointed out above, the Congress claim is not true, nor based upon facts, and therefore the Muslim League cannot be a party

directly or indirectly to any course of action which is calculated to prop up this bogus claim.

As regards the safeguard that no decision on any major communal issue could be taken if the majority of the main parties were opposed to it, of which assurance was given by the Viceroy, this is absolutely necessary to protect the Muslim interests as the number is now increased from 12 to 14, and although there is parity between the Caste Hindus and the Muslims, the Muslims will be in a minority of little over one-third in the whole Executive.

I gather from the letter of the President of the Congress that the Viceroy represented to him that in his proposal there was no parity either between Hindus and Muslims or between the Congress and the Muslim League inasmuch as there were to be six Hindus belonging to the Congress as against five Muslims belonging to the Muslim League. One of the six Hindus belonged to the Scheduled Castes. Whether this version is true or not, it is contrary to what the Viceroy said in his letter of 20th June to me which clarifies the points raised by me and in that he says: "The proportion of members by communities will not be changed without the agreement of the two major parties." However, I want to make it clear that if there is any departure made in the principle of parity or if the Congress is allowed to nominate a Muslim, in either case it will be impossible for the Muslim League to agree to it as that would strike at the very fundamentals of the League.

Notwithstanding the clear statement of 16th May and the further statement of the Cabinet Delegation and the Viceroy of 25th May clarifying and finally giving their authoritative interpretation, the Congress, both in the letter of the President and their resolution, adhere to their wrong interpretation that any province or provinces is or are entitled to opt out initially, and that they have a right at any stage to do so. This is clear indication that the Congress is not accepting the long-term proposals in a sincere and honest spirit of co-operation and peaceful settlement. If they persist in this and adopt measures to set at nought what is described by the statement of the Delegation of 25th May to constitute the essential feature of the scheme, the whole plan will be wrecked at its very inception.

As regards the many other statements and allegations that are made in the letter of the Congress President they are merely intended for propaganda and some of them are not relevant to the immediate issues, but I have no means of dealing with them as I do not know what actually took place between the Congress President and the Viceroy or the Delegation, as I have not got the correspondence that passed between them on various points to which references have been made in this letter.

In conclusion, I would like to emphasise that if any attempt is made to whittle down in any way the assurances given to the Muslim League or to change or modify the basis of the statement of 16th June, which has been accepted by the Muslim League, it will be regarded by Muslim India as going back on the part of the Cabinet Delegation and the Viceroy on their pledged word in writing and as a breach of faith. The British Government will in that case forfeit the confidence of Muslim India and of those whom they expect to work on their part, according to their pledged word.

15. 'The Statesman' on Lord Wavell's Decision to Postpone the Formation of the Interim Government[1]

We record, with regret, that we consider the British Cabinet Mission's and the Viceroy's latest move an error. It is well intentioned. If detached from its chronological sequence and context it might, to meet the existing position, be a suitable enough expedient. Indeed, so viewed, it even shows advantageous possibilities of a transient sort; for plainly, Congress-League disagreements being what they still unfortunately are, a League-dominated Central Government in relation to Congress-dominated Provincial Governments might not prove much of a remedy for India's many present administrative ills. But it cannot be so detached. The context exists, plain and recent, for all to read. On June 16, in paragraph 8 of their statement, the Mission and the Viceroy declared that, "in the event of the two major parties, or either of them, proving unwilling to join in the setting up of a Coalition Government on the above lines, it is the intention of the Viceroy to proceed with the formation of the Interim Government which will be as representative as possible of those willing to accept the statement of May 16."

This declaration's direct bearing on the existing position is unmistakable, unavoidable. The Muslim League having on June 6 accepted the proposals made for an Interim Government in the May 16 plan, and having reiterated its acceptance lately, the Congress by contrast having rejected them, we fail to see any other conclusion than that the Viceroy stood morally bound at this stage to form forthwith an Interim Government consisting largely of members of the Muslim League. There had been several earlier authoritative assertions of India's imperative need, because of the threat of famine and other grave administrative problems, for speedy establishment of a representative Interim Government at the Centre. The language of the passing reference now made, in Wednesday night's announcement by Mission and Viceroy, to paragraph 8 of their June 16 declaration and its clear commitment, seems to us, we are sorry to say, evasive and disingenuous.

Politicians may do so, but it is not the business of statesmen to eat their words; they should not risk bold, sweeping, unequivocal public undertakings unless they mean them, and can be relied upon to fulfil them. Particularly, we suggest, it is not British statesmen's business to do so in India, an alien land still of semi-dependent status. What was so emphatically considered needful and proper on June 16 cannot well, within ten days, have radically transformed its nature. Good and bad, necessary and unnecessary, are not thus readily interchangeable.

Our writings, we think, have shown lively and wholehearted awareness of the unparalleled difficulties confronting the Mission and the Viceroy throughout, of their examplary patience, of theexceptional mental and physical stresses that they must lately have borne. Could we believe that what they have now done has sound moral basis, or even that, in the narrower sense, it was required because it would be justified by results, we might commend it. But we view the long-term consequences of Wednesday night's decision with uncertainty and misgiving. Opportunity of solid and immediate co-operation, from at any rate one of India's two main parties,

[1]Leading article in *The Statesman*, Calcutta, 28 June 1946.

lay within the Mission's grasp. This has been let slip in favour of larger objectives later aimed at. We wish we could see more cause for confidence that these will not, when the time comes, dissolve between the fingers into windy nothingness. During the long-drawn Delhi-Simla negotiationst here have already been too many tactical shifts of ground and changes of front by others. It grieves us that a venerable and idealistic Secretary of State, a fine Viceroy, and their two eminent colleagues of Britain's new and good Cabinet should at this last stage have descended—as we see matters— to similar swithery courses.

16. Letter from Lord Wavell to M.A. Jinnah[1]

22 *July* 1946

I declare my intention of replacing the present Caretaker Government of officials by an Interim Coalition Government as soon as possible, and I am now putting to you as President of the Muslim League and to the President of the Congress the proposals set out below.

2. I think you will probably agree with me that our negotiations both this summer and last year were hampered by the attendant publicity. I am, therefore, seeking your co-operation in conducting, at any rate, the preliminary stages of the negotiations on a strictly personal and secret basis between myself and the two Presidents. I very much hope that you will prevent this correspondence being known to or discussed in the press until we have seen whether we can find some basis of agreement. I realise, of course, that you will have, at some stage, to secure the approval of your Working Committee, but I believe it will be best to try and reach some basis of agreement between ourselves as a first step. I propose the following for your consideration:

(*a*) The Interim Government will consist of 14 members.

(*b*) Six members (to include one Scheduled Caste representative) will be nominated by the Congress. Five members will be nominated by the Muslim League. Three representatives of Minorities will be nominated by the Viceroy; one of these places will be kept for a Sikh. It will not be open to either [the] Congress or the Muslim League to object to the names submitted by the other party, provided they are accepted by the Viceroy.

(*c*) Distribution of the portfolios will be decided after the parties have agreed to enter the Government and have submitted their names. The Congress and the Muslim League will each have an equitable share of the most important portfolios.

(*d*) The assurances about the status of the Interim Government which I gave in my letter dated 30th May to Maulana Azad will stand.

3. I would welcome a convention, if freely offered by the Congress, that major communal issues can only be decided by the assent of both the major parties, but I have never thought that it was essential to make this a formal condition since, in fact, a Coalition Government could work on no other basis.

4. I sincerely trust that your party will agree to co-operate in the adminis-

[1] *Dawn*, Delhi, 27 August 1946.

tration of India on the above basis, while the work of constitution-making proceeds. I am confident that this will be of the greatest possible benefit to India. I suggest that we should not spend further time in negotiation, but should try at once a Government on the basis proposed above. If it does not work, and you find the conditions unsatisfactory, it will be open to you to withdraw, but I am confident that you will not.

5. Would you be good enough to let me know very soon whether the Muslim League will enter in the Interim Government on this basis? I have written in similar terms to Pandit Nehru and enclose a copy of my letter to him.

17. Reply from M.A. Jinnah to Lord Wavell[1]

31 *July* 1946

I am in receipt of your letter of 22nd July and I notice that this is the fourth basis that you are suggesting for the formation of your Interim Government. From 5:5:2 you came to 5:5:3 and then [to] 5:5:4 as embodied in the statement of the Cabinet Delegation and yourself dated the 16th June 1946, which was announced by you as final. Now you are making this fourth proposal, *i.e.* 6:5:3.

Every time the Congress turned down the previous three proposals as you were unable to appease them or propitiate them; and every time the departure was prejudicial to the League and in favour of the Congress.

And now you have put your fourth proposal for my consideration.

It gives a go-by to all the important terms which were in favour of the Muslim League; the Congress will have 6 members out of 14 as against 5 members of the Muslim League which breaks straightaway the principle of parity; and you are letting down the Scheduled Castes as one of them is proposed to be nominated by the Congress and not by the real spokesmen of the Scheduled Castes. I note that you say that five members will be nominated by the Muslim League. Next, three members of the Minorities will be nominated by the Viceroy without reference to or consultation with the Muslim League. The only indication that you have given is that one of these places will be kept for a Sikh.

Then you proceed on to say that "it will not be open either to the Congress or the Muslim League to object to names submitted by the other party, provided they are accepted by the Viceroy", and from this I gather that it will be open to the Congress to nominate a quisling Muslim.

As to the distribution of portfolios, I note you say that "the Congress and the Muslim League will have an equitable share of the most important portfolios", and not equal as it was originally proposed.

As to assurance about safeguards, *i.e.* that a major communal issue could only be decided by the consent of both the major parties, you say that it will be only considered "if freely offered by the Congress", but you do not attach much importance to it and you conclude by saying that if the Interim Government does not work when formed on this basis and if we find conditions unsatisfactory, it

[1] *Dawn*, Delhi, 27 August, 1946.

will be open to us to withdraw. I believe in the principle, "Prevention is better than cure".

This is a very clear and substantial departure, most detrimental to the Muslim League, and is obviously intended to appease the Congress and devised primarily to meet their wishes.

Taking the final proposal of June 16, 1946, in your letter dated the 20th of June, you informed me that 14 members were invited by you on the basis of parity between Hindus and Muslims and community-wise and that it will not be changed without the agreement of the two major parties. Apart from the secret talks you had with the Congress, you clearly conveyed to us that the invitees were asked to join specifically on the basis of 5 Hindus, 5 Muslims, one Sikh, one Scheduled Caste, one Christian and one Parsi. Your present proposal clearly destroys the principle of parity as well as representation according to communities and gives a clear majority to the Congress as against the Muslim League to start with.

Further the Scheduled Caste [member] will be nominated by the Congress, which in my opinion is most unjust to a community of 60 million people, who are groaning under the social and economic tyranny of the high caste Hindus, whom alone the Congress really represents.

As regards representatives of other Minorities, they will be nominated by you without reference to or any consultation with the Muslim League. This again is a departure from what you stated in your letter of 20th June, that "if any vacancy occurs among the seats at present allotted to the representatives of the Minorities, I shall naturally consult both the major parties before filling it". I think you will appreciate that when you start with 6 Congress and 5 Muslim League with a Congress majority, the minority representatives will hold a very strong position as a balancing element, who would be nominated by you without even consultation with the Muslim League, and this is a serious departure from what we were assured of in your letter of the 20th June.

You categorically state in your letter of 20th June, paragraph 5, that "no decision on a major communal issue would be taken by the Interim Government if a majority of the representatives of either of the two major parties are opposed to it", whereas now in the present proposals you inform me that you will welcome a convention if freely offered by the Congress.

As you have written this letter to me and it is strictly personal and secret, I can only say that in my opinion there is no chance of my Working Committee accepting this proposal.

18. Letter from Sudhir Ghosh to M. K. Gandhi, on British Cabinet's Reaction to the Muslim League's Direct Action Decision[1]

4 *August* 1946

After Jinnah's threat (of Direct Action) the British Cabinet asked the

[1]Sudhir Ghosh, *Gandhi's Emissary*, Rupa & Co., Calcutta, Allahabad, Bombay, 1967, pp. 182-184.

Viceroy to send for Jinnah and tell Jinnah that if he was not prepared to play the game British Cabinet had decided to hand over responsibility to Congress and such other people as were prepared to work with them and to go ahead without Jinnah. Viceroy pleaded that calling Jinnah immediately after the threat would give the impression that the British were frightened by his threat and suggested not seeing Jinnah. The Cabinet agreed.

Jinnah's outburst has really been a useful thing. It has simplified matters. It has given the Ministers as well as the administration here and in India the good shaking that they badly needed. They no longer think, as they have always done, that the Congress people are their enemies and the Muslims are their friends. They now know who are their friends and who are not their friends. Jinnah's threat has done a great deal of good. He has overplayed his hand and has burnt his boat.

The Cabinet has decided that responsibility is to be made over to Congress in the immediate future. Necessary instructions have been given to their representative. They however earnestly suggest to you that a final effort should be made to bring the League into the Government—if that is at all possible on just and reasonable terms. They realise that it is no use the Viceroy doing anything about it. They suggest that Congress President without waiting for an invitation and without standing on ceremony should take this job off the Viceroy's hands. It is suggested that President should go and see the Viceroy and tell him that he is prepared to do all he can to help and would be willing to go to Mr. Jinnah and see if he is at all prepared to play the game. Viceroy has instructions to agree immediately to such a proposal. This really amounts to Viceroy asking Congress President to form a Government. If Mr. Jinnah refuses to co-operate and demands terms which Congress President cannot possibly accept, President should inform Viceroy that he has done his best and it really is not possible to work with Mr. Jinnah. Such a final effort will only show Congress reasonableness and magnanimity and will increase Congress prestige in the eyes of the world. Stock of Congress in the eyes of British Government is much higher today than ever before. If the Congress President fails, Viceroy has instructions to ask him to help Viceroy to get together a Government of representatives of Congress and other minorities. It is suggested that five seats should be left vacant and the door left open for League to come in later if they change their mind. If not, seats are to be filled up with non-League Muslims later on. The Government that will thus come into existence will—technically—still be the Viceroy's Government but Congress President will be *de facto* head of the Government and Viceroy had instructions not to interfere. I understand Panditji recently wrote to Viceroy on the subject of assurances. It is suggested that you persuade Congress to be satisfied with the letter Viceroy wrote to Maulana Saheb at Mussorie. Congress will lose nothing by doing so. It will only make things easy for the British Government. They realize the difficulty about the Viceroy but they are not in a position to do anything about it at the moment. Churchill is already giving them the maximum amount of trouble about India. They are new in office and worried about many problems.

As regards Constituent Assembly, it is requested that you persuade Congress to make a declaration reiterating Congress determination to do justice to all

minorities including the biggest and Congress anxiety to secure fair deal for everybody. It is also requested that no notice be taken of Mr. Jinnah's threat and no answer given to his challenge. For the British Government has already decided to take the step that we all desire. They ask Congress to show their natural highmindedness and magnanimity even at the risk of such magnanimity being misinterpreted as weakness. A good resolution on the long-term proposals followed by a visit to the Viceroy by the President (possibly accompanied by Sardar) will, it is suggested, meet the situation. What is essential is that Congress must now come forward and take the initiative and not leave it to the British.

I know you will read this message in the way it is meant.

19. Lord Wavell on the Formation of the Interim Government without the Muslim League[1]

24 *August* 1946

You will have heard the announcement of the names of the members of the new Interim Government which will come into office very shortly. You will, I am sure, all realize that a very momentous step forward has been taken on India's road to freedom. Some of you who listen to me may feel, however, that the step should not have been taken in this way or at this time. It is to these that I want principally to address myself tonight.

You who are opposed to the formation of the new Government are not, I assume, opposed to the main policy of His Majesty's Government, namely, to fulfil their pledges by making India free to follow her own destiny. You will, also, I think, all agree that we need at once a Government of Indians as representative as possible of political opinion in the country. This is what I set out to secure: but though 5 seats out of 14 were offered to the Muslim League, though assurances were given that the scheme of constitution-making would be worked in accordance with the procedure laid down, and though the new Interim Government is to operate under the existing Constitution, it has not been possible at present to secure a coalition. No one could be sorrier about the failure than I am. No one could be more sure that it is a Coalition Government in which both the main parties are represented that is needed at this moment in the interests of all parties and communities in India. This is a view which I know the President of the Congress, Pandit Jawaharlal Nehru, and his colleagues hold as strongly as I do. His efforts, like mine, will still be directed to persuading the League to join the Government.

Let me state clearly the offer which has been made and is still open to the Muslim League. They can propose to me five names for places in a Government of 14, of which 6 will be nominees of Congress and three will be representatives of the Minorities. Provided these names are acceptable to me and approved by His Majesty, they will be included in the Government, which will at once be re-formed. The Muslim League need have no fear of being outvoted on any essential issue; a Coalition Government can only exist and function on the condition that

[1]Sir Francis Low (Ed.), *The Indian Year-Book* 1947, Benett, Coleman & Co., Ltd., Bombay.pp. 893-894.

both main parties to it are satisfied. I will see that the most important portfolios are equitably shared. I sincerely trust that the League will reconsider their policy and decide to participate in the Government.

Meanwhile, however, the administration of India has to go on, and there are large issues which must be decided. I am glad that the representatives of a very large body of political opinion in the country will be my colleagues in carrying on the Government. I welcome them to my Council. I am also glad that the Sikhs have now decided to participate in the Constituent Assembly and in the Interim Government. I have no doubt that their decision is a wise one.

As I have already made clear, I shall implement fully His Majesty's Government's policy of giving the new Government the maximum freedom in the day-to-day administration of the country. In the field of provincial autonomy, of course, the Provincial Governments have a very wide sphere of authority in which the Central Government cannot intervene. My new Government will not have any power or indeed any desire to tresspass on the field of provincial administration.

The recent terrible occurrences in Calcutta have been a sobering reminder that a much greater measure of toleration is essential if India is to survive the transition to freedom. I appeal most earnestly not only to the sober citizens, but to the young and to the discontented to recognise that no conceivable good either to themselves or to their community or to India can come either from violent words or from violent deeds. It is essential that in all Provinces law and order is maintained, that the protection of the ordinary peaceable citizen is assured with a firm but impartial hand and that no community is oppressed.

The War Member in the new Government will be an Indian, and this is a change which both the Commander-in-Chief and I warmly welcome. But the constitutional position of the Armed Forces is in no way changed. They still owe allegiance in accordance with their oath to the King Emperor, to whom and to Parliament I am still responsible.

In spite of all immediate appearances, I believe there is yet a chance of agreement between the two principal parties. I am quite sure that there is a very large body of opinion in both parties and of non-party men who would welcome such an agreement, and I hope they will all work for it. I would appeal also to the Press to use its very great influence on the side of moderation and compromise. Remember that the Interim Government can be re-formed tomorrow if the League decides to come in. Meanwhile, it will administer in the interest of the country as a whole and not of any one party or creed.

It is desirable also that the work of the Constituent Assembly should begin as early as possible. I can assure the Muslim League that the procedure laid down in the statement of May 16th regarding the framing of Provincial and Group constitutions will be faithfully adhered to; that there can be no question of any change in the fundamental principles proposed for the Constituent Assembly in paragraph 15 of the Cabinet Mission's statement of May 16th, or of a decision on a main communal issue, without a majority of both the major communities; and that the Congress

are ready to agree that any dispute of interpretation may be referred to the Federal Court. I sincerely trust that the Muslim League will reconsider their decision not to take part in a plan which promises to give them so wide a field in which to protect the interests and to decide the future of the Muslims of India.

We have come to another critical and solemn issue in the affairs of India. Never were tolerance and soberness in thought and in action more necessary; never were the wild speaking and rash deeds of a few fraught with greater danger for so many millions. Now is the time for all Indians in any authority, with any influence, to show by their good sense and restraint that they are worthy of their country, and that their country is worthy of the freedom it is to receive.

20. M.A. Jinnah on Lord Wavell's Announcement[1]

25 *August* 1946

It is to be regretted that the Viceroy, in his broadcast last night, should have made such a misleading statement and contrary to facts that, "though 5 seats out of 14 were offered to the Muslim League, though assurances were given that the scheme of constitution-making would be worked in accordance with the procedure laid down, and though the new Interim Government is to operate under the existing Constitution, it has not been possible to secure a coalition". The truth is that the Viceroy wrote to me on July 22 making certain proposals which were vitally and substantially different from the Interim Government proposals embodied in the statement of June 16 and the assurances given to the Muslim League, enclosing a copy of a similar letter addressed by him to Pandit Jawaharlal Nehru. This was on the eve of the meeting of the Council of the All-India Muslim League and the Viceroy knew fully well that a grave situation had been created and that there were serious apprehensions and misgivings about the policy of His Majesty's Government and his attitude in the matter. Nevertheless, there is not a single word in his letter of July 22 with regard to our position *vis-a-vis* the Constituent Assembly in the light of the decision of the Congress, the pronouncements of the Congress leaders and the directive given by the Assam Assembly to Assam's representatives on the Constituent Assembly to have nothing to do with the "C" Group.

I replied to the Viceroy on July 31, clearly stating our position with regard to his new move which was obviously intended to meet the Congress wishes, for else what justification was there for him to depart even from the final proposals embodied in the statement of June 16? Will the Viceroy explain why there should be any departure from those proposals and the assurances that were given to us and for whose advantage is this new move being made by him?

I received a reply from him dated August 8, acknowledging my letter of 31 July; it is amazing that he should have stated therein that his suggestion in his letter of July 22 was the "same as the one the Muslim League Working Committee accepted at the end of June, namely, 6:5:3". This is entirely incorrect as

[1]Nripendranath Mitra (Ed.), *The Indian Annual Register*, July-December 1946, Calcutta, pp. 230-231.

has been already pointed out by me in my letter of 31 July. He further says: "In view of the League resolution of July 29 I have now decided to invite the Congress to make proposals for an Interim Government, and I am sure that if they make a reasonable offer to you of a coalition I can rely on you for a ready response."

I had, and have, no knowledge or information as to what actually transpired between the Congress and the Viceroy, but Pandit Jawaharlal Nehru, I suppose, as arranged, came to see me on August 15. It was merely a formality and he made his offer; that the Congress are willing to give, out of 14, 5 seats to the Muslim League, and the remaining 9 were to be nominated by them, including one Muslim of their choice; that he was not forming the Executive Council under the present Constitution, but a 'Provisional National Government' responsible to the present Legislative Assembly; and he made it clear in his letter of August 15 in reply to mine of the same date that while he was willing to discuss the larger question with me, he had no new suggestion to make, and added, 'Perhaps you may be able to make a new approach', and when I did make a suggestion, he turned it down saying that the Congress stand was the same as laid down in their resolution of Delhi passed on June 26 and that the Wardha resolution of August 10 had only reaffirmed that stand, and this was repeated by him at the press conference on August 16 before his departure for Delhi to meet the Viceroy. I informed Pandit Nehru that in these circumstances there was no chance of my Working Committee or the Council of the All-India Muslim League accepting his proposals.

Thereafter, the Viceroy, Pandit Nehru and the Congress leaders have now for nearly a week carried on their discussions and negotiations behind my back and without any knowledge or information being furnished to me, except the communique that was issued last night announcing the formation of the Interim Government and the Viceroy's broadcast. As the Viceroy has already disclosed the alleged offer without stating what reply he had received from me, I am herewith releasing the correspondence.

21. Letter from M.A. Jinnah to Lord Wavell[1]

3 *October* 1946

At the end of our last interview on October 2, 1946, it was agreed that I should finally put before you the various proposals that emerged out of our discussions, for your consideration and reply. Accordingly, I am enclosing herewith the various proposals that have been formulated by me.

Enclosure:

1. The total number of the members of the Executive Council to be fourteen.

2. Six nominees of the Congress will include one Scheduled Castes' representative, but it must not be taken that the Muslim League has agreed to, or approves of, the selection of the Scheduled Castes' representative, the ultimate responsibility in that behalf being with the Governor-General and the Viceroy.

[1] *Ibid.* p. 273.

3. That the Congress should not include in the remaining five members of their quota a Muslim of their choice.

4. Safeguard: That there should be a convention that on major communal issues, if the majority of Hindu or Muslim members of the Executive Council are opposed, then no decision would be taken.

5. Alternative or rotational Vice-President should be appointed in fairness to both the major communities as it was adopted in the UNO Conferences.

6. The Muslim League was not consulted in the selection of the three minority representatives, *i.e.* Sikh, Indian Christian and Parsi, and it should not be taken that the Muslim League approves of the selection that has been made. But, in future, in the event of there being a vacancy owing to death, resignation, or otherwise, representatives of these minorities should be chosen in consultation with the two major parties—the Muslim League and the Congress.

7. Portfolios: The most important portfolios should be equally distributed between the two major parties—the Muslim League and the Congress,

8. That the above arrangement should not be changed or modified unless both the major parties—the Muslim League and the Congress—agree.

9. The question of the settlement of the long-term plan should stand over until a better and more conducive atmosphere is created and an agreement has been reached on the points stated after the Interim Government has been re-formed and finally set up.

22. Letter from Lord Wavell to M.A. Jinnah[1]

4 *October* 1946

Thank you for your letter of yesterday. My replies to your nine points are as follows:

1. This is agreed.

2. I note what you say and accept that the responsibility is mine.

3. I am unable to agree to this. Each party must be equally free to nominate its own representatives.

4. In a Coalition Government it is impossible to decide major matters of policy when one of the main parties to the Coalition is strongly against a course of action proposed. My present colleagues and I are agreed that it would be fatal to allow major communal issues to be decided by vote in the Cabinet. The efficiency and prestige of the Interim Government will depend on ensuring that differences are resolved in advance of Cabinet meetings by friendly discussions. A Coalition Government either works by a process of mutual adjustments or does not work at all.

5. The arrangement of alternative or rotational Vice-Presidents would present practical difficulty and I do not consider it feasible. I will, however, arrange to nominate a Muslim League member to preside over the Cabinet in the event of the Governor-General and the Vice-President being absent.

[1] *Ibid.*, pp. 273-74.

I will also nominate a Muslim League member as Vice-Chairman of the Co-ordination Committee of the Cabinet, which is a most important post. I am Chairman of this Committee and in the past have presided almost invariably but I shall probably do so only on special occasions in future.

6. I accept that both major parties should be consulted before filling a vacancy in any of these three seats.

7. In the present conditions all the portfolios in the Cabinet are of great importance and it is a matter of opinion which are the most important. The minority representatives cannot be excluded from a share of the major portfolios and it would also be suitable to continue Mr. Jagjivan Ram in the Labour portfolio. But, subject to this, there can be equal distribution of the most important portfolios between the Congress and the Muslim League. Details would be a matter for negotiation.

8. I agree.

9. Since the basis for participation in the Cabinet is, of course, acceptance of the statement of 16th May I assume that the League Council will meet at a very early date to reconsider its Bombay resolution.

23. Letter from Jawaharlal Nehru to M.A. Jinnah[1]

6 *October* 1946

I have consulted some of my colleagues about the matter discussed by us yesterday and over the possibility of a *rapprochement* between the Muslim League and the Congress. We are all agreed that nothing could be happier and better for the country than these two organisations should meet again as before as friends, having no mental reservations and never desiring or allowing the intervention of the British Government through the Viceroy or others or of any other foreign Power. We would, therefore, welcome the decision of the League to join the Interim Government for it to work as a united team on behalf of India as a whole.

The points put forward by you in our conversation yesterday were : (1) The formula suggested to you by Gandhiji, (2) The League not being responsible for the members at present representing the Scheduled Castes and the minorities, (3) What should be done in case any vacancy should arise among the members representing the minorities other than the Scheduled Castes, (4) The procedure to be adopted over what may be called major communal issues, and (5) Alternating Vice-Presidentship.

Regarding No. 1, we feel that the formula is not happily worded. We do not question the purpose underlying it. We are willing, as a result of the elections, to accept the Muslim League as the authoritative representative organisation of an overwhelming majority of the Muslims of India and that as such and in accordance with democratic principles, they have today the unquestionable right to represent the Muslims of India, provided that, for identical reasons, the League recognises the Congress as the authoritative organisation representing all non-

[1] *Ibid.*, pp. 265-266.

Muslims and such Muslims as have thrown in their lot with the Congress. The Congress cannot agree to any restriction or limitation to be put upon it in choosing such representatives as they think proper from amongst the members of the Congress. We would suggest, therefore, that no formula is necessary and each organisation may stand on its merits.

Regarding No. 2, I am to say that the question of the League being responsible does not arise and, as you do not raise any objection to the present constitution of the Government in this respect, there is no question to be solved.

Regarding No. 3, I am to say that if any such vacancy arises, the whole Cabinet will consider what should be done to replace the vacancy and advise the Viceroy accordingly. There can be no question of right in the matter of consultation with the League in regard to the representation of these minorities.

Regarding No. 4, your suggestion about the Federal Court is not feasible. Matters coming before the Cabinet cannot be made subject matter of reference to court. We should thrash out all such matters amongst ourselves and bring up agreed proposals before the Cabinet. In the event of failure to reach an agreed decision, we should seek the method of arbitration of our own choice. We hope, however, that we will act with such mutual trust, forbearance and friendliness that there will be no occasion to go to such arbitration.

Regarding No. 5, it is out of the question to have any rotation in the Vice-Presidentship. We have no objection if you desire to have an additional Vice-Chairman for the Coordination Committee of the Cabinet, who can also preside at such committee meetings from time to time.

I am hoping that if your Committee finally decide upon the League joining the National Cabinet, they will also decide simultaneously to join the Constituent Assembly, or recommend to your Council to this effect.

I need hardly mention that when an agreement has been reached by us, it can only be carried by mutual agreement and not otherwise.

24. Reply from M.A. Jinnah to Jawaharlal Nehru,[1]

7 *October* 1946

I am in receipt of your letter of October 6, 1946, and I thank you for it. I appreciate and reciprocate your sentiments expressed in paragraph 1 of your letter.

With regard to the second paragraph of your letter, Point No. 1 of the formula, it was accepted by Mr. Gandhi and me and the meeting between us was arranged on that basis in order to negotiate and settle a few other points remaining for the purpose of reconstituting the Interim Government. The formula runs as follows:

"The Congress does not challenge but accepts that the Muslim League now is the authoritative representative of an overwhelming majority of the Muslims of India. As such and in accordance with democratic principles they alone have today an unquestionable right to represent the Muslims of India. But the Congress

[1] *Ibid.*, pp. 266-267.

cannot agree that any restriction or limitation should be put upon the Congress to choose such representatives as they think proper from amongst the members of the Congress as their representatives."

And now, in your letter under reply, not only have you made changes in it but you consider no formula is necessary! I regret I cannot agree to any change in the language or otherwise, as it was the agreed basis of our discussion on other points; nor can I agree with you that no formula is necessary. It was signed by Mr. Gandhi and accepted by me.

As the whole basis of our talk on other matters was the formula agreed to by Mr. Gandhi, I do not think we can make any further progress unless it is accepted by you as a basis upon which we can proceed to discuss other points we have already discussed orally in the course of our conversation and now I am enclosing herewith a copy of the various points put by me before you in writing.

Even the four points, excluding Point No. 1, regarding the formula which I have already dealt with above, you do not agree with any one of them. I am still willing, on the basis of the formula being accepted by you, to further discuss the various points with a view to settle them in the spirit of the sentiments expressed by you in paragraph 1. I am anxious that we should come to our own settlement without undue delay.

1. The total number of the members of the Executive Council to be 14.

2. Six nominees of the Congress will include the Scheduled Castes' representative, but it must not be taken that the Muslim League has agreed to or approves of, the selection of the Scheduled Castes' representative, the ultimate responsibility in that behalf being with the Governor-General and the Viceroy.

3. That the Congress should not include in the remaining five members of their quota a Muslim of their choice.

4. Safeguard: That there should be a convention that on major communal issues, if the majority of Hindu or Muslim members of the Executive Council are opposed, then no decision should be taken.

5. Alternative or rotational Vice-President should be appointed in fairness to both the major communities as it was adopted in the U.N.O. Conference.

6. The Muslim League was not consulted in the selection of the three minority representatives, *i.e.* Sikh, Indian Christian and Parsi. And it should not be taken that the Muslim League approves of the selection that has been made. But in future, in the event of there being a vacancy owing to death, resignation or otherwise, representatives of these minorities should be chosen in consultation with the two major parties—the Muslim League and the Congress.

7. Portfolios: The most important portfolios should be equally distributed between the two major parties—the Muslim League and the Congress.

8. That the above arrangements should not be changed or modified unless both the major parties—the Muslim League and the Congress—agree.

9. The question of the settlement of the long-term plan should stand over until a better and more conducive atmosphere is created and an agreement has been reached on the points stated above and after the Interim Government has been re-formed and finally set up.

25. Letter from Jawaharlal Nehru to M.A. Jinnah[1]

8 *October* 1946

I received your letter of October 7 as I was going to Baroda House to meet you there last evening. I hurriedly glanced through it and was perturbed by it as it seemed to me to be at variance with the spirit of our talk the previous day. Subsequently we discussed various points and unfortunately could not convince each other.

On my return I read through your letter more carefully and consulted some of my colleagues. They were also disturbed not only by the letter but also by the list of points attached to it. This list had not been seen or considered by us previously. It had little relevance after our talk.

We have again given earnest consideration to the whole matter and we feel that we cannot state our position more clearly than I did in my letter to you of October 6, except for some variations which I shall indicate below. I shall, therefore, refer you to that letter of mine which represents our general and specific viewpoint.

As I have told you, my colleagues and I did not accept the formula agreed to by Gandhiji and you. The meeting between you and me was not arranged, so far as I am aware, on the agreed basis of that formula. We knew of it and were prepared to agree to the substance of the formula as stated to you in my letter of October 6. That formula contained a further paragraph which you have not quoted in you letter: "It is understood that all the Ministers of the Interim Government will work as a team for the good of the whole of India and will never invoke the intervention of the Governor General in any case."

While we still think that the formula is not happily worded, we are prepared for the sake of the settlement we so earnestly desire, to accept the whole of it, including the paragraph left out in your letter.

In that case, you will agree, I hope, that we should make our further position quite clear. It is clearly understood, of course, that the Congress has the right to appoint a Muslim out of its quota. Further, as I have stated in my previous letter, the Congress position in regard to the Nationalist Muslims and the smaller minorities should not be challenged by you.

In regard to the points numbered 2, 3 and 4 in my letter of October 6, I have stated our position and have nothing further to add. We have gone as far as we could to meet you and are unable to go further. I trust that you will appreciate the position.

Regarding No. 5 (the question of the Vice-President) you made a suggestion yesterday that the Vice-President and the Leader of the House (the Central Assembly) should not be the same person. In the present circumstances this means that the Leader of the House should be a Muslim League member of the Cabinet. We shall agree to this.

I am writing this letter to you after full and careful consideration of all

[1] *Ibid.*, pp. 267-268.

the issues involved and after consulting such of my colleagues as are here. It is in no spirit of carrying on an argument that I have written but rather to indicate to you our earnest desire to come to an agreement. We have discussed these matters sufficiently and the time has come for us to decide finally.

26. Reply from M.A. Jinnah to Jawaharlal Nehru[1]

12 *October* 1946

I received your letter dated October 8, 1946 yesterday in reply to my letter of October 7, 1946.

I regret that you and your colleagues do not accept the formula agreed to by Mr. Gandhi and me. Mr. Gandhi and I had also agreed that on that basis you and I should meet in order to negotiate and settle a few other points that remained for the purpose of reconstituting the Interim Government. Accordingly arrangements were made for our meeting on October 5.

I am surprised to gather from you letter when you say that the meeting was not arranged so far as you were aware on the agreed basis of that formula. The only formula agreed upon between Mr. Gandhi and me was that which was mentioned in my letter of October 7, 1946. I had not mentioned in my letter what is referred to by you as paragraph 2 as that was one of the points among others to be further examined and discussed by you and me. This arrangement was actually put on record.

At our first meeting on October 5, we discussed all the points and you informed me that you will let me know the time that will suit you to meet me the next day, but, instead of that, I received your letter of October 6, 1946. In this letter you yourself referred to the formula as one mentioned in my letter of October 6, and expressed your view that the formula was not happily worded and suggested a modification by inserting a provision as follows: "Provided that for identical reasons, the League recognises the Congress as the authoritative organisation representing all non-Muslims and such Muslims as have thrown in their lot with the Congress."

Or else, if that was not agreed to, you suggested no formula was necessary. There is no reference in your letter to what you describe as paragraph 2 as part of the agreed formula and you yourself dealt with that point quite separately in the opening paragraph of your letter which runs as follows:

"We are all agreed that nothing would be happier and better for the country than that these organisations should meet again as before as friends, having no mental reservations, by mutual consultation and never desiring or allowing the intervention of the British Government through the Viceroy or others or of any other foreign Power."

That, in substance, was the idea of the paragraph 2, mentioned by you, which among other matters was to be examined and discussed. I also referred to this matter in my reply stating that I appreciated and reciprocated the sentiments expressed in paragraph 1 of your letter of October 6, 1946.

[1] *Ibid.* pp. 268-269.

I fail to understand why you and your colleagues should have been disturbed not only by my letter of October 7, but also by the list of points attached to it. There was nothing new in that list of points which we had not discussed the first day, as it is clear from your letter of October 6, wherein you yourself have dealt with every one of the points in the list that I sent to you. Let me take one by one the points in the list sent to you in writing.

(1) Total number of 14. That was not in dispute.

(2) The Scheduled Castes' representative: That the League must not be taken to have agreed or approved of the selection, which referred to in paragraph 2 of your letter.

(3) Nomination of Muslim in Congress quota: The matter was discussed.

(4) Safeguard: That was discussed as is clear from point 4 in your letter.

(5) Alternative or rotational Vice-President: Was discussed and is referred as point No. 5 in your letter.

(6) Vacancies occuring in the seats allotted to minority representatives: This matter was discussed and is referred to by you in your letter, point No. 3.

(7) Portfolios: The matter was discussed.

(8) No change in the arrangements agreed to without the consent of both the major parties: This was discussed and is referred to in the last paragraph of your letter:

(9) The long-term questions: This was discussed and is mentioned in your letter, last but one paragraph.

All these points were discussed as is clear from what I have pointed out above and the list was sent to you merely as a matter of convenience and preciseness.

You state in your letter under reply that your position is the same with regard to the various matters that were discussed between us as is mentioned in your letter of October 6, except for some variations which you have indicated in your letter.

Following are the variations and my reaction to them:

(1) That you would accept the formula provided paragraph 2 is included in the formula and is made a part of it. This constitutes a fundamental departure from the original formula upon the basis of which I had agreed to have discussions with you. I cannot agree to this variation.

(2) Provided that the Muslim League does not challenge that the Congress represents the minorities and the 'Nationalist Muslims' as indicated in terms of your previous letter of October 6 and referred to in your letter under reply. This again is a serious departure from the agreed formula. Besides, this is a matter for the minorities concerned.

I note what you say with regard to points 2, 3 and 4 of your letter of October 6, *i.e.* Scheduled Castes' representatives and other minorities, the position about the vacancies occurring in future in the seats allotted to the minorities and the procedure to be adopted with regard to major communal issues. Even with regard to these points there is not agreement between us.

With regard to point No. 5 about Vice-Presidentship, I note what you say.

Since you have stated your position after full and careful consideration

of all the issues involved and after consultation with your colleagues, I presume that it follows that this is your final stand. I deeply regret that we have failed to come to an honourable agreement of our own, satisfactory to both the parties.

27. Letter from Jawaharlal Nehru to M.A. Jinnah[1]

13 *October* 1946

I thank you for your letter of October 12. In this letter there are a number of mis-statements. What you have said does not fit in with my recollection of our conversations or what has taken place during the past few days. I need not, however, go into this matter now as I have been informed by the Viceroy that the Muslim League have agreed to nominate five persons on their behalf as members of the Interim Government.

28. Letter from Lord Wavell to M.A. Jinnah[2]

12 *October* 1946

I confirm what I told you this evening that the Muslim League are at liberty to nominate anyone they wish for their own quota of seats in the Cabinet though any person proposed must, of course, be accepted by me and by His Majesty before being appointed.

My intention is to discuss portfolios when all the names have been received, both from the Muslim League and the Congress.

29. Letter from M.A. Jinnah to Lord Wavell[3]

13 *October* 1946

The Working Committee of the All-India Muslim League have considered the whole matter fully and I am now authorised to state that they do not approve of the basis and scheme of setting up the Interim Government which has been decided by you, presumably with the authority of His Majesty's Government.

Therefore, the Committee do not and cannot agree with your decision already taken, nor with the arrangements you have already made.

We consider and maintain that the imposition of this decision is contrary to the Declaration of August 8, 1940, but since, according to your decision, we have a right to nominate five members of the Executive Council on behalf of the Muslim League, my Committee have, for various reasons, come to the conclusion that in the interests of Mussalmans and other communities it will be fatal to leave the entire field of administration of the Central Government in the hands of the Congress. Besides, you may be forced to have in your Interim Government Muslims who would not command the respect and confidence of Muslim India, which would lead to very serious consequences; and, lastly, for other very weighty

[1] *Ibid.*, p. 269.
[2] *Ibid.*, p. 274.
[3] *Resolutions of the All-India Muslim League from January 1944 to December 1946*, published by Mr. Liaquat Ali Khan, Honorary Secretary, All-India Muslim League, pp. 69-70.

grounds and reasons, which are obvious and need not be mentioned, we have decided to nominate five [members] on behalf of the Muslim League in terms of your broadcast dated August 24, 1946, and your two letters to me dated 4th October 1946 and 12th October 1946, respectively, embodying clarifications and assurances.

30. Michael Brecher on the Allocation of Portfolios[1]

...The Viceroy urged that one of the three senior portfolios—External Affairs, Defence and Home Affairs—be transferred to the League. Nehru refused, on the specious grounds that this would have an unsettling effect all over the country. In the face of Wavell's persistence he threatened to resign. 'I have consulted my colleagues', he wrote the Viceroy on 24 October. 'We cannot continue in the Government if a decision is imposed on us against our will....A crisis has arisen which is leading to our resignation and termination of this Government.'[2] The Viceroy and the League yielded, but the incident revealed the depth of mistrust. The coalition was doomed from the beginning.

31. Abul Kalam Azad on the Reconstitution of the Interim Government[3]

Now that the League had agreed to join the Government, the Congress had to reconstitute the Government and accommodate the representatives of the League. We had to decide who should leave the Government. It was felt that Mr. Sarat Chandra Bose, Sir Shafat Ahmed Khan and Syed Ali Zaheer should resign to make room for the League nominees. Regarding the portfolios, Lord Wavell had suggested that one of the major portfolios should go to a representative of the League. His own suggestion was that we should give up the Home Department, but Sardar Patel, who was then Home Member, vehemently opposed the suggestion. My view was that the issue of law and order was essentially a provincial subject. In the picture envisaged in the Cabinet Mission Plan, the Centre would have very little to do in this field. As such, the Home Ministry in the Centre would not have mush importance in the new set-up. I was therefore for accepting Lord Wavell's suggestion, but Sardar Patel was adamant. He said that if we insisted, he would rather leave the Government than give up the Home Department.

We then considered other alternatives. Rafi Ahmed Kidwai suggested that we should offer the Finance portfolio to the Muslim League. It was no doubt one of the most important departments, but it was a highly technical subject and the League had no member who could handle it. Kidwai's view was that because of the technical nature of the subject, the League would refuse the offer. If this happened, the Congress would lose nothing. If on the other hand the League nominee accepted the Finance portfolio, he would soon make a fool of himself. He believed that either way Congress would stand to gain.

[1] *Nehru: A Political Biography*, Oxford University Press, London, 1959, p. 324.
[2] Quoted in Pyarelal, *Mahatma Gandhi—The Last Phase*, Vol. I, Navajivan Publishing House, Ahmedabad, February 1956, p. 286.
[3] *India Wins Freedom*, Orient Longmans, Calcutta, 1959, pp. 166-167.

Sardar Patel jumped at the proposal and gave it his strongest support. I tried to point out that Finance was the key to Government, and we would have to face major difficulties if Finance was under the control of the League. Sardar Patel countered by saying that the League would not be able to manage Finance and would have to decline the offer. I did not feel happy at the decision, but since all the others agreed, I submitted. The Viceroy was therefore informed that the Congress would offer Finance to a nominee of the Muslim League.

32. Arthur Moore on the Formation of the Interim Government[1]

...on June 16th, without allocating portfolios, he [the Viceroy] publicly nominated a Government himself and invited those nominated to join it. The list included five caste Hindus who were Congress members and one from the depressed classes, also a Congress adherent; and five Moslem Leaguers.

Announcing the list the Mission and the Viceroy stated "If any of these is unable for personal reasons to accept, the Viceroy will, after consultation, invite some other person in his place....In the event of the two major parties, *or either of them*, proving unwilling to join in the setting up of a Coalition Government on the above lines, it is the intention of the Viceroy to proceed with the formation of an Interim Government which will be as representative as possible of those willing to accept the statement of May 16th." It was added that "the Viceroy will aim at inaugurating the new Government about June 26th."

On June 25th the Moslem League Working Committee passed a resolution in which they agreed 'to join the Interim Government on the basis of the statement of the Cabinet Delegation and His Excellency the Viceroy dated June 16th, 1946.'

The same day the Congress Working Committee resolved that they were "unable to accept the proposals for the formation of an interim Government as contained in the statement of June 16th. The Committee have, however, decided, that the Congress should join the proposed Constituent Assembly with a view to framing the Constitution of a free, united, and democratic India." In forwarding this resolution to the Viceroy the President of the Congress informed him that the Congress adhered to its own interpretation of the provisions of the Cabinet Mission's plan given in the statement of May 16th.

At this point it seemed that the Mission had no choice. It had on June 16th prescribed and published its own course of action for the precise situation which had arisen. One of the major parties had proved 'unwilling to join in the setting up of a Coalition Government on the above lines.' The other had expressed complete willingness.

Had the Mission done what it had said it would do, and formed a Government of those whom the Viceroy had nominated and were willing to serve—while at the same time keeping places vacant for the Congress and carrying on some government departments either by temporary doubling of portfolios or through

[1]From article, "Wishing Thinking about India", published in *The Nineteenth Century*, London, January 1947, pp. 13-15.

caretaker departmental heads, the history of the last five months in India would have been very different.

Instead, on the very same day, June 25th, and as the result of private negotiations with Congress leaders prior to the passing of the Congress resolution of June 25th, the Mission went straight into reverse.

On that day the Mission informed Mr. Jinnah verbally that 'the Congress had accepted the statement of May 16th while refusing to take part in the Interim Government.'

The Viceroy was made to write Mr. Jinnah a letter confirming this language. I give the rest of the letter, which with its complete reversal of reason and logic must remain a puzzle to historians. Its fundamental and glaring fallacies, to use no harsher words, can only be explained as the reaction of legal subtlety, Indian and British, upon British physical constitutions overstrained by overwork in the grilling Delhi summer. Here it is:—

'This has produced a situation in which paragraph 8 of the statement of June 16th takes effect. This paragraph said that if either of the two major parties was unwilling to join in the setting up of a Coalition Government on the lines laid down in the statement the Viceroy would proceed with the formation of an Interim Government which will be as representative as possible of those willing to accept the statement of May 16th.

'Since the Congress and the Moslem League have now *both* (itatics for this amazing word are mine) accepted the statement of May 16th it is the intention to form a Coalition Government including *both* those parties as soon as possible. In view, however, of the long negotiations which have already taken place, and since we all have other work to do, we feel that it will be better to have a short interval before proceeding with further negotiations for the formation of an Interim Government.'

Next day the Mission released a statement beginning with this profound insincerity:

'The Cabinet Mission and the Viceroy are glad that Constitution-making can now proceed with the consent of the two major parties. It went on to say that, pending a later attempt to form an interim Government, the Viceroy would set up 'a temporary caretaker Government of officials.'

The Moslem League was indignant at what it regarded as an open breach of faith, and declaring that it no longer had any confidence in British good faith withdrew its acceptance of the Mission's plan, called upon its members to renounce all titles and honours conferred by the Government, and for the first time in its history declared for a policy of direct action.

The League had now been jockeyed out of the position of accepting the plan, and the Congress somehow foisted into the position of accepting the long-term plan. The Viceroy thereupon invited the Congress to form a government.

Here again a reversal of all previous declarations took place. The statement of May 25th reaffirmed that "the present Constitution must continue during the interim period, and the British Government for the last seven years has accepted the Moslem League's argument that, for the protection of minorities, any interim

Government shall function within the framework of the existing Constitution." But when the Congress Government was formed in August a vast and sudden inroad, for the benefit of one political party, was made upon the position. Whereas on June 16th the Viceroy had nominated his own Government, which included a Parsi and an Indian Christian as well as representatives of Congress, League, and of the Sikhs, Congress now nominated the whole. They changed the Viceroy's Parsi for their own Parsi, altered the Congress list, and filled the place originally offered to Moslem Leaguers. The Viceroy's Executive Council was officially referred to as the Cabinet. Pandit Nehru assumed an over-all direction of policy and was regarded as the head of the Government.

These innovations, natural and desirable trends in British eyes, but startling to the League in view of previous British policy, were, no doubt, largely responsible for the League's reluctant entry into a coalition Government in October, lest all power should pass permanently into Congress hands, and for the determination of both sides to stay in as long as possible, and force the other out.

33. Letter from Lord Wavell to Liaquat Ali Khan[1]

3 *January* 1947

I wanted to tell you that I had spoken to Pandit Nehru about considering changes in portfolios from the point of view of the Cabinet as a whole, as the result of the substitution of Maulana Azad for Mr. Asaf Ali. He did not wish to consider changes except within the portfolios held by nominees of the Congress and I have agreed to accept his recommendation.

As a result, Maulana Azad will go to Education Department, Mr. Rajagopalachari to Industries and Supplies and Dr. Matthai to Transport and Railways. An announcement to this efiect will be put out in the very near future.

34. Reply from Liaquat Ali Khan to Lord Wavell[2]

5 *January* 1947

I am in receipt of your letter....dated 3rd January 1947 regarding the re-distribution of portfolios consequent upon the appointment of Mr. Abul Kalam Azad as Member of the Executive Council *vice* Mr. Asaf Ali. I am not surprised that Pandit Nehru is not agreeable to our very reasonable request that the Railway and Transport portfolio should be allotted to one of the Muslim League representatives. It is but natural that the Congress, which initially secured such an excessive share of important portfolios, should be reluctant to exchange one of those portfolios for a less important one. What, however, surprises me is that you, who repeatedly promised an equitable and equal distribution of the important portfolios between the two major political parties are not prepared to carry out your assurances.

2. There is one other important point to which I would like to refer.

[1]This letter has been taken from the private collection of Mr. Mumtaz Hasan. Ed.
[2]*Ibid.*

You say that Pandit Nehru does not wish to consider changes except within the portfolios held by nominees of the Congress. I hope you will recognise that there is no warrant for this. The proposed re-distribution involves one of the representatives of the minority communities. The Muslim League can however in no case accept the proposition that any portfolios held by the Congress have become their monopoly in any sense.

3. The ultimate responsibility for the allocation of portfolios is entirely that of the Governor-General, and I earnestly hope that even now it is not too late for you to make a proper exercise of your powers and ensure that the Muslim League is given at long its promised share of important portfolios.

35. Letter from Vallabhbhai Patel to M.K. Gandhi[1]

7 *January* 1947

The charge that I want to stick to office is a pure concoction. Only, I was opposed to Jawaharlal's hurling idle threats of resigning from the Interim Government. They damage the prestige of the Congress and have a demoralising effect on the services. We should take a firm decision to resign first. Repetition of empty threats has lost us the Viceroy's respect and now he regards our threats of resignation as nothing but bluff. It took me not a moment to offer my resignation when the Viceroy demanded the surrender of my portfolio. It was no bluff and it had a very salutary effect...

36. Letter from Liaquat Ali Khan to Lord Wavell on the Congress Demand for the Resignation of Muslim League Members from the Executive Council[2]

8 *February* 1947

With reference to my interview with you on Thursday when you informed me that the 9 non-League Members of the Executive Council had written to you asking that five of us who represent the Muslim League in the Government should resign because the Working Committee of the All-India Muslim League by its Karachi resolution had declined to convene a meeting of the All-India [Muslim] League Council for the purpose of rescinding its Bombay resolution of July 29, whereby the earlier acceptance of the Cabinet Mission's plan was withdrawn, I consider it necessary to place on record the reactions of my other four colleagues of the Muslim League bloc and myself.

You will recall that immediately after the publication of the Cabinet Mission's statement of May 16, the Congress put forward certain interpretations of their own particularly with regard to paragraphs 15, 19(v) and 19(viii) of that statement, which interpretations were *prima facie* untenable and inconsistent with the letter and spirit of the Cabinet Mission's statement. The Cabinet Mission who were then in this country took cognizance of these misinterpretations put by

[1]Pyarelal, *Mahatma Gandhi—The Last Phase*, Volume I, Navajivan Publishing House, Ahmedabad, February 1956, p. 489.

[2]This letter has been taken from the private collection of Mr. Mumtaz Hassan. Ed.

the Congress on fundamental points of principle and procedure, and within nine days of the publication of their first statement they issued another statement on May 25 in which they made it quite clear that the interpretations which the Congress had put forward did not accord with the intentions of the Cabinet Mission.

It was in view of these specific provisions in the Cabinet Mission's Plan regarding Groups and Sections as clarified and interpreted by the Cabinet Mission on the 25th of May and the belief that the Plan will be worked out in letter and spirit by all the parties with goodwill and sincerity that the Council of the All-India Muslim League decided to accept that Plan by its resolution of June 6. The Congress Working Committee however passed a resolution on June 25 in which it still adhered to its own interpretations and professed to "accept" the statement of May 16 subject to its right to proceed on the basis of these wrong interpretations. The same wrong interpretations were repeated by Congress leaders in their speeches at the meeting of the All-India Congress Committee at Bombay in the first week of July 1946, and thereafter innumerable statements were made by them which proved that the so-called acceptance of the statement of May 16 by the Congress was no acceptance at all.

By this time the Muslim League was convinced that the Congress was pursuing a dishonest course and that it was determined to use its brute majority in the Constituent Assembly to alter the Cabinet Mission's Plan according to its own interpretations and not implement it on the basis laid down by the Cabinet Mission themselves and clarified by them in their statement of May 25. Accordingly Mr. Jinnah and myself issued public statements drawing the attention of His Majesty's Government to continued Congress insistence on misinterpreting fundamental provisions of the State Paper to their own advantage and we asked H.M.G. to take cognizance of these Congress declarations and to set matters right. Shortly afterwards a debate on India was held in both Houses of Parliament but in course of their speeches in the House of Lords and in the House of Commons respectively, Lord Pethick-Lawrence and Sir Stafford Cripps, far from giving any assurance and making any declaration that they would prevent Congress from acting contrary to the correct interpretation of the State Paper as given by the Cabinet Mission themselves and as accepted by the Muslim League, on the contrary, made statements which encouraged the Congress in thinking that the British Government were powerless to intervene and that the Congress could twist and distort the statement of May 16 to suit its own purpose.

Accordingly, the Council of the All-India Muslim League, when it met at Bombay on July 27-29 last year, had no alternative but to withdraw its acceptance and to decline to come into the Constituent Assembly, where not the agreed plan of May 16 but a plan basically different from it was going to be pursued by the sheer weight of Hindu majority.

That this view of the Muslim League was correct and its decision of July 29 was justified was proved beyond any shadow of doubt during the London discussions in the first week of December when the Prime Minister and the members of the Cabinet Mission were brought face to face with realities and had to issue

their statement of December 6, in which they admitted that while the Muslim League's interpretation accorded with their own, the Congress had put forward a different view, and they urged the Congress to accept the correct interpretation or refer the matter to the Federal Court.

You will also recall that both Mr. Jinnah and myself in our discussions with the Cabinet Mission and yourself in London urged the necessity of providing for some sort of an umpire for the settlement of disputes on other questions of interpretation which might arise from time to time in the course of the proceedings of the Constituent Assembly and the Sections. The Cabinet Mission and you recognised the necessity for such a provision and accordingly the statement of December 6 contained the following paragraph:

"It is, however, feared that other questions of interpretation of the statement of May 16 may arise and His Majesty's Government hope that if the Council of the Muslim League are able to agree to participate, they will also agree, as has the Congress, that the Federal Court should be asked to decide matters of interpretation that may be referred to them by either side and will accept such a decision, so that the procedure, both in the Union Constituent Assembly and in the Sections, may accord with the Cabinet Mission Plan."

I would now like to draw your attention to the subsequent decisions of the Congress and statements by some of the foremost Congress leaders, notably Pandit Jawaharlal Nehru, with regard to (1) the correct interpretation of paragraphs 19(v) and 19(viii) of the May 16 statement, and (2) the provision that other questions of interpretation shall be referred to the Federal Court.

By its resolution of December 22 the Congress Working Committee declined to refer the question of interpretation of what H.M.G.'s December 6 statement described as "the fundamental point", to the Federal Court, and the Working Committee decided to summon the All-India Congress Committee for the purpose of considering the matter. The A.-I.C.C. thereafter passed a resolution purporting to agree to advise action in accordance with the interpretation of the British Government in regard to the procedure to be followed in the Sections . . . In the view of the Muslim League this resolution of the Congress is in no way different in effect from the Congress resolution of June 25; rather it makes the position worse in so far as it confers a right of veto not only on a province but also on a part of a province and the Sikhs. The Muslim League is convinced, as must be any honest and impartial persons, that the Congress has not accepted the Cabinet Mission's statement of May 16 as interpreted by their statement of May 25 and as further interpreted by His Majesty's Government's statement of December 6. The resolutions passed, the rules framed and certain decisions taken so far by the so-called Constituent Assembly prove that the Congress has already violated some of the fundamentals of the Cabinet Mission's Plan. It clearly indicates that the Congress had never intended nor does it intend to abide by the terms of the Mission's Plan.

With regard to reference of other questions of interpretation to the Federal Court, no mention was made in the resolution of the Congress but Pandit Nehru, in course of his speech at the A.-I.C.C. meeting on January 6, made it quite clear

that Congress definitely and categorically rejects the procedure laid down in the December 6 statement and declared that it was for the Constituent Assembly alone to give interpretations of the State Paper of May 16.

Following these decisions by the Congress Working Committee and the A-I.C.C. there was considerable controversy as to whether Congress had really accepted the December 6 statement or not. Accordingly, several days before the Working Committee of the Muslim League was due to meet at Karachi, I issued a statement . . . and suggested that on behalf of the Congress clear-cut answers to these questions might be given through the public press to resolve doubts.[1]

Although most of the top ranking Congress leaders were then in Delhi, no reply was given on behalf of the Congress.

The position, therefore, is that while the Muslim League originally accepted the Cabinet Mission's statement of May 16 in letter and in spirit and in its correct interpretation, but was subsequently compelled to withdraw its acceptance, Congress at no time accepted that Statement and does not now accept it. It is clear from H.M.G.'s statement of 6 December 1946 that up to that time the Congress had not accepted some of the essentials and fundamentals of the Cabinet Mission's Plan. They urged the Congress to accept the reaffirmation of the intentions of the Cabinet Mission with regard to those fundamental points. The Congress has not only not done so by its resolution of 6 January 1947, but on the contrary has made the matter worse by going back on the agreement to accept the decision of the Federal Court on other questions of interpretation of the statement of May 16. The question of reconsideration by the Muslim League of its July resolution does not arise so long as the Congress does not unequivocally accept H.M.G.'s statement of 6 December 1946.

In the result, therefore, if the basis of the participation in the Interim Government were acceptance of the statement of May 16, then the Congress which has not accepted it and the Sikhs who have definitely rejected it have no greater right to have their representatives or nominees in the Government than the Muslim League has.

In the circumstances it is extremely presumptuous on the part of the 9 non-League members of the Executive Council to demand that their Muslim League colleagues should resign.

I am herewith enclosing a copy of the Karachi resolution passed by the Working Committee of the Muslim League which deals with the matter in greater detail and which may be regarded as a part of this communication. I hope you will be good enough to convey to H.M.G. the text of this letter and the enclosed resolution so that they may have full material before them to understand the real position.

[1]Here follow the questions of which the text is given on p. 158. Ed.

37. Letter from G.E.B. Abell to Liaquat Ali Khan[1]

9 *February* 1947

His Excellency asks me to thank you for your letter of February 8th, of which he has sent a copy to the Secretary of State.

38. Letter from Jawaharlal Nehru to M.K. Gandhi[2]

24 *February* 1947

We don't yet know what special directive has been given to Mountbatten by the British Cabinet. Logically this should be to function as a constitutional head only and to allow the Government to act as a Dominion Government. That would mean the Government having a leader. This again would bring matters with the Muslim League to a head.

Our general outlook at present is to approach privately some of the Muslim League leaders and try to induce them to come into the Constituent Assembly. If they refuse to come in, then the question of their remaining in the Interim Government has to be faced afresh. For the moment we are not pressing for their resignation as this would of course put an end to all talk of co-operation. But anyhow this matter should be settled one way or the other in the course of the next month.

39. Lord Ismay on the Functioning of the Interim Government[3]

...Nehru had complained that the Interim Government in its existing form was wholly unfitted to administer the country, and had threatened that he and his Congress colleagues would resign unless other arrangements were made in the very near future. Mr. Gandhi's ingenuous suggestion that a Moslem League Government should be formed was clearly impracticable, and the only alternative would have been direct rule of the whole of India by Mountbatten himself. This was unthinkable.

[1] *Ibid.*

[2] Pyarelal, *Mahatma Gandhi—The Last Phase*, Volume II, Navajivan Publishing House, Ahmedabad, February 1958, p. 7.

[3] *The Memoirs of Lord Ismay*, Heinemann, London, 1960, p. 418.

V. THE MOUNTBATTEN PLAN

Introductory Note: Lord Mountbatten, who was appointed Governor-General of India with the specific purpose of transferring power to the Indians, made no secret of the fact that he sympathized with the aspirations of the Congress and opposed the Muslim League proposal for the division of India into two separate sovereign States. Nevertheless, although the Congress had opposed even the weak Centre provided in the Cabinet Mission plan, with Mountbatten's appointment, Congress leaders began to think in terms of, and ultimately agreed to, two independent sovereign states in the Subcontinent.

Why the Congress leaders should have agreed to the division of India is not quite clear. One can, however, draw one's own conclusions from the following facts:

i. Mountbatten's relations with the President of the Congress were very close and friendly and with that of the Muslim League President only formal.

ii. When at the end of March 1947 Gandhi arrived in New Delhi to meet the new Governor-General, he told Maulana Azad that "If the Congress wishes to accept partition, it will be over my dead body"; but after his meetings with the Governor-General and Sardar Patel, his mind changed.

iii. At the Governors' meeting in mid-April, Sir Evans Jenkins, the Governor of the Punjab, expressed the view that there was a possibility of the growth of anti-Pakistan opinion both in the Punjab and Bengal. J. D. Tyson (who represented the Governor of Bengal) expressed the opinion that East Pakistan would be "a rural slum" and that the present Premier of Bengal was "frightened of partition" and was "ready to play with the Hindus", while Mountbatten himself expressed the view that East Pakistan might "contract out" of Pakistan and that the North-West Frontier Province would be a "liability" to Pakistan.

iv. In accepting the scheme of partition, the All-India Congress Committee observed: "Geography and the mountains and the seas fashioned India as she is, and no human agency can change that shape or come in the way of her final destiny. Economic circumstances and the insistent demands of international affairs make the unity of India still more necessary. The picture of India we have learnt to cherish will remain in our minds and hearts." Similarly, in the House of Commons, the British Prime Minister observed: "For myself, I earnestly hope that this severance may not endure, and that the two new Dominions . . . may, in course of time, come together again . . .", while the Secretary of State, speaking in the House of Lords, expressed the hope that "when the disadvantages of separation have become apparent in the light of experience, the two Dominions will freely decide to reunite in a single Indian Dominion".

v. In the final division of territory between the two successor States, a large number of Muslim-majority areas, including such strategic areas as Ferozepore tehsil, in which was located a headwork which irrigated vast areas in the Muslim-majority Punjab, were awarded to India and it was made possible for the State of Jammu and Kashmir, in which originate all the rivers on which the canal system of West Pakistan is based, to accede to India.

vi. Sardar Patel revealed in January 1950 that the Congress leaders had agreed to the partitioning of India on condition that Calcutta would become a part of residuary India.

Documents under chapter VI provide an insight into the demarcation of the border between the two new States. Ed.

1. Sudhir Ghosh on Mountbatten's Appointment as Viceroy of India[1]

. . . Cripps, the brain behind all that the Labour Government was doing regarding India, realized that it was no longer possible for Nehru to work with Wavell; they had become completely incompatible with each other. It was during this visit to London [in December 1946] that Cripps brought together Mr. Nehru and Viscount Mountbatten, a relation of the royal family, who had a distinguished career as Supreme Commander of the Allied Forces of the South-East Asia Command; and Cripps told Nehru that if he felt that he and Mountbatten could work together then he would do his best to get Mountbatten appointed as Viceroy in Wavell's place.

2. Statement on Indian Policy by the British Prime Minister[2]

20 *February* 1947

It has long been the policy of successive British Governments to work towards the realization of self-government in India. In pursuance of this policy,

[1]*Gandhi's Emissary*, Rupa & Co., Calcutta, Allahabad, Bombay, 1967, p. 44.
[2]Parliamentary Debates (House of Commons), Fifth Series, Vol. 433, Cols. 1395-1399.

an increasing measure of responsibility has been devolved on Indians, and today the civil administration and the Indian Armed Forces rely to a very large extent on Indian civilians and officers. In the constitutional field, the Acts of 1919 and 1935 passed by the British Parliament each represented a substantial transfer of political power. In 1940 the Coalition Government recognised the principle that Indians should themselves frame a new constitution for a fully autonomous India, and in the offer of 1942 they invited them to set up a Constituent Assembly for this purpose as soon as the war was over.

His Majesty's Government believe this policy to have been right and in accordance with sound democratic principles. Since they came into office, they have done their utmost to carry it forward to its fulfilment. The declaration of the Prime Minister of 15th March last, which met with general approval in Parliament and the country, made it clear that it was for the Indian people themselves to choose their future status and constitution and that in the opinion of His Majesty's Government the time had come for responsibility for the government of India to pass into Indian hands.

The Cabinet Mission which was sent to India last year spent over three months in consultation with Indian leaders in order to help them to agree upon a method for determining the future constitution of India, so that the transfer of power might be smoothly and rapidly effected. It was only when it seemed clear that without some initiative from the Cabinet Mission agreement was unlikely to be reached that they put forward proposals themselves.

These proposals, made public in May last, envisaged that the future constitution of India should be settled by a Constituent Assembly composed, in the manner suggested therein, of representatives of all communities and interests in British India and of the Indian States.

Since the return of the Mission, an Interim Government has been set up at the Centre composed of the political leaders of the major communities exercising wide powers within the existing Constitution. In all the Provinces Indian Governments responsible to Legislatures are in office.

It is with great regret that His Majesty's Government find that there are still differences among Indian parties which are preventing the Constituent, Assembly from functioning as it was intended that it should. It is of the essence of the plan that the Assembly should be fully representative.

His Majesty's Government desire to hand over their responsibility to authorities established by a constitution approved by all parties in India in accordance with the Cabinet Mission's plan. But unfortunately there is at present no clear prospect that such a constitution and such authorities will emerge. The present state of uncertainty is fraught with danger and cannot be indefinitely prolonged. His Majesty's Government wish to make it clear that it is their definite intention to take necessary steps to effect the transference of power into responsible Indian hands by a date not later than June 1948.

This great sub-continent now containing over four hundred million people has for the last century enjoyed peace and security as a part of the British Commonwealth and Empire. Continued peace and security are more than ever

necessary today if the full possibilities of economic development are to be realised and a higher standard of life attained by the Indian people.

His Majesty's Government are anxious to hand over their responsibilities to a Government, which, resting on the sure foundation of the support of the people, is capable of maintaining peace and administering India with justice and efficiency. It is, therefore, essential that all parties should sink their differences in order that they may be ready to shoulder the great responsibilities which will come upon them next year.

After months of hard work by the Cabinet Mission a great measure of agreement was obtained as to the method by which a constitution should be worked out. This was embodied in their statement of May last. His Majesty's Government there agreed to recommend to Parliament a constitution worked out, in accordance with the proposals made therein by a fully representative Constituent Assembly. But if it should appear that such a constitution will not have been worked out by a fully representative Assembly before the time mentioned in paragraph 7, His Majesty's Government will have to consider to whom the powers of the Central Government in British India should be handed over, on the due date, whether as a whole to some form of Central Government for British India, or in some areas to the existing Provincial Governments, or in such other way as may seem most reasonable and in the best interests of the Indian people.

Although the final transfer of authority may not take place until June 1948, preparatory measures must be put in hand in advance. It is important that the efficiency of the civil administration should be maintained and that the defence of India should be fully provided for. But inevitably, as the process of transfer proceeds, it will become progressively more difficult to carry out to the letter all the provisions of the Government of India Act, 1935. Legislation will be introduced in due course to give effect to the final transfer of power.

In regard to the Indian States, as was explicity stated by the Cabinet Mission, His Majesty's Government do not intend to hand over their powers and obligations under paramountcy to any Government of British India. It is not intended to bring paramountcy, as a system, to a conclusion earlier than the date of the final transfer of power, but it is contemplated that for the intervening period the relations of the Crown with individual States may be adjusted by agreement.

His Majesty's Government will negotiate agreements in regard to matters arising out of the transfer of power with the representatives of those to whom they propose to transfer power.

His Majesty's Government believe that British commercial and industrial interests in India can look forward to a fair field for their enterprise under the new conditions. Th commercial connection between India and the United Kingdom has been long and friendly, and will continue to be to their mutual advantage.

His Majesty's Government cannot conclude this statement without expressing on behalf of the people of this country their goodwill and good wishes towards the people of India as they go forward to this final stage in their achievement of self-government. It will be the wish of everyone in these islands that, notwithstanding constitutional changes, the association of the British and Indian

peoples should not be brought to an end; and they will wish to continue to do all that is in their power to further the well-being of India.

This concludes the statement on policy.

The House will now wish to know of an announcement which is being made public today. Field-Marshal the Right Honourable Viscount Wavell was appointed Viceroy in 1943, after having held high military command in South-East Asia, the Middle East, and India with notable distinction since the beginning of the War. It was agreed that this should be a war-time appointment. Lord Wavell has discharged this high office during this very difficult period with devotion and a high sense of duty. It has, however, seemed that the opening of this new and final phase in India is the appropriate time to terminate this war appointment. His Majesty has been pleased to approve, as successor to Lord Wavell, the appointment of Rear-Admiral the Viscount Mountbatten of Burma, who will be entrusted with the task of transferring to Indian hands responsibility for the government of British India in the manner that will best ensure the future happiness and prosperity of India. . . . . The change of office will take place during March. The House will be glad to hear that His Majesty has been pleased to approve the conferment of an Earldom on Viscount Wavell.

3. British Prime Minister's letter to the Viceroy-Designate Laying Down British Policy on the Future of India[1]

March 1947

The statement which was issued at the time of the announcement of your appointment sets out the policy of the Government and the principles in accordance with which the transfer of power to Indian hands should be effected.

My colleagues of the Cabinet Mission and I have discussed with you the general lines of your approach to the problems which will confront you in India. It will, I think, be useful to you to have on record the salient points which you should have in mind in dealing with the situation. I have, therefore, set them down here.

It is the definite objective of His Majesty's Government to obtain a unitary Government for British India and the Indian States, if possible within the British Commonwealth, through the medium of a Constituent Assembly, set up and run in accordance with the Cabinet Mission's plan, and you should do the utmost in your power to persuade all Parties to work together to this end, and advise His Majesty's Government, in the light of developments, as to the steps that will have to be taken.

Since, however, this plan can only become operative in respect of British India by agreement between the major Parties, there can be no question of compelling either major Party to accept it.

If by October 1 you consider that there is no prospect of reaching a settlement on the basis of a unitary government for British India, either with or without

[1]John Connell, *Auchinleck*, Cassell, London, 1959, pp. 864-865.

the co-operation of the Indian States, you should report to His Majesty's Government on the steps which you consider should be taken for the handing over of power on the due date.

It is, of course, important that the Indian States should adjust their relations with the authorities to whom it is intended to hand over power in British India; but as was explicitly stated by the Cabinet Mission, His Majesty's Government do not intend to hand over their powers and obligations under paramountcy to any successor Government. It is not intended to bring paramountcy as a system to a conclusion earlier than the date of the final transfer of power, but you are authorized, at such time as you think appropriate, to enter into negotiations with individual States for adjusting their relations with the Crown.

You will do your best to persuade the rulers of any Indian States in which political progress has been slow to progress rapidly towards some form of more democratic government in their States. You will also aid and assist the States in coming to fair and just arrangements with the leaders of British India as to their future relationships.

The date fixed for the transfer of power is a flexible one to within one month; but you should aim at 1 June 1948 as the effective date for the transfer of power.

In your relations with the Interim Government you will be guided by the general terms of the Viceroy's letter of 30 May 1946 to the President of the Congress Party, and of the statement made by the Secretary of State for India in the House of Lords on 13 March 1947. These statements made it clear that, while the Interim Government will not have the same powers as a Dominion Government, His Majesty's Government would treat the Interim Government with the same consultation and consideration as a Dominion Government, and give it the greatest possible freedom in the day-to-day exercise of the administration of the country.

It is essential that there should be the fullest co-operation with the Indian leaders in all steps that are taken as to the withdrawal of British power so that the process may go forward as smoothly as possible.

The keynote of your administration should therefore be the closest co-opertion with the Indians and you should make it clear to the whole of the Secretary of State's Services that this is so, and that it is their duty to their countries to work to this end.

You should take every opportunity of stressing the importance of ensuring that the transfer of power is effected with full regard to the defence requirements of India. In the first place you will impress upon the Indian leaders the great importance of avoiding any breach on the continuity of the Indian Army and of maintaining the organization of defence on an all-India basis. Secondly you will point out the need for continued collaboration in the security of the Indian Ocean area for which provision might be made in an agreement between the two countries. At a suitable date His Majesty's Government would be ready to send military and other experts to India to assist in discussing the terms of such an agreement.

You will no doubt inform Provincial Governors of the substance of this letter.

4. Vallabhbhai Patel on the Muslim Demand for Partition[1]

If the League insists on Pakistan, the only alternative is the division of the Punjab and Bengal. They cannot have the Punjab as a whole or Bengal....I do not think that the British Government will agree to division. In the end, they will see the wisdom of handing over the reins of Government to the strongest party. Even if they do not . . . a strong Centre with the whole of India—except Eastern Bengal and a part of the Punjab, Sind and Baluchistan—enjoying full autonomy under the Centre will be so powerful that the remaining portions will eventually come in.

5. Woodrow Wyatt Suggests Transfer of Central Government System Intact to the Interim Government[2]

Four days of debate in both Houses of Parliament have recapitulated all the arguments for and against the decision to hand over power in India in June, 1948. That decision is irrevocable and presents the only way in which the Indians can be forced to work out a solution for themselves. Officially the hope is that imminence of the British withdrawal will jolt Congress and the Muslim League into some working agreement before they are left as the sole legatees of authority in British India. But the chances of this are slender if both parties maintain their present attitude.

Mr. Jinnah, although his view may not be shared by all his supporters, is implacably resolved that Congress is so untrustworthy that no good could come from associating with it in the Constituent Assembly. Congress action in the forming of procedural rules for the Assembly did little to allay his fears. It has already been laid down, for instance, that the suggestions of the Advisory Committee on minorities will be binding on all the sections when approved by the Assembly. As the Committee, like the Assembly, is Congress-packed, this means that a variety of arrangements, including provisions on electoral law, could be made valid in areas with a Muslim majority where something quite different had already been decided.

Another curious innovation is the granting of the right to Provincial Legislatures to formulate their views on the wisdom of forming group constitutions before their particular section finally goes ahead with the scheme. In other words, the entire argument about grouping can be opened all over again. In this atmosphere it is unlikely that a detailed Constitution will be worked out in fifteen months despite the encouraging overtures Nehru is now making to the Muslim League to bury the hatchet.

Nor, in its present terms, will paragraph 10 of the White Paper help to promote concord between the major communities. The indication in it that authority

[1]From letter dated 4 March 1947 to Kanji Dwarkadas, as reproduced in Pyarelal, *Mahatma Gandhi—The Last Phase,* Volume II, Navajivan Publishing House, Ahmedabad, February 1958, p. 83.

[2]"India—What Next?", *The New Statesman and Nation,* London, 15 March 1947, p. 170.

may be distributed between the Centre and the Provinces, to say nothing of other areas, will encourage Muslim League intransigence. The carnage of Amritsar and Lahore already shows clearly their intentions in the Punjab. The more success the Muslim League has in its disruptive activities, the more determined it will be to make no concessions with the British still there.

Our endeavour must be to minimise strife in every way possible, both before and after departure. In the time left there is no opportunity, even if it were desirable, to set up a properly constituted Pakistan on an orderly basis. If there is to be any division in India it must be sorted out by India herself. Our task is to hand over the Central Government system intact to the Interim Government. Congress has wisely dropped the demand that the Muslim League Ministers should resign, and that aids the Viceroy in inducing them to stay in. If they know that only by staying in will they get a share of the power, the attractions of disruption will lose their force. They should be warned that if they no longer hold their portfolios by June of next year, the power will be given to the Congress Interim Government, on which the onus would then fall of reaching as settlement with the Muslim League—whatever constitution had been produced by the Constituent Assembly.

To emphasise the determination that they will transfer power intact, the British should say immediately that it is impossible to hand over the Indian Army to anyone but a Central Government. To dissuade Congress from using this advantage unfairly, a rider should be added: British troops must be utterly isolated from further contact with communal disturbances. India must learn while she still can, in comparative tranquillity, that the problem of law and order is one to be dealt with by Indians.

But in this changing scene an accurate forecast of the conditions in June, 1948, is impossible. It may be that disintegration will have already set in so far that a transfer of Civil Government machinery centrally will be impossible. To meet this difficulty and still keep up the pressure on the Muslim League to co-operate with Congress, the British should declare unequivocally that complete authority cannot be handed over to any Provincial Government in a province where the minority amounts to nearly half the total population. The Muslim League must be quickly disillusioned of the belief that they could capture the whole of Bengal and the Punjab through our good offices. On the same principle, which might prevent complete power from being given to Congress at the Centre because the British cannot be a party to imposing a constitution on unwilling parts of the country, the Muslim League should only get control of the areas where they are in undisputed majority. In effect, Bengal and the Punjab would be partitioned, entailing the loss of so much in industrial potential and agricultural productivity, that Pakistan would no longer seem worth while.

If the Government is not willing to define such a course of action in the near future, civil war and mass terror will be the portion for the second half of 1948. India will not thank us to carve her up on our own initiative. If it were done fairly it would make permanent enemies of the Muslims. If favour were shown to the Muslims, the Hindus would be ranged bitterly against us for all time. Every

effort must be made to see that any carving-up there may be comes from Indian action alone.

6. Abul Kalam Azad on the Change in Gandhi's Attitude to the Demand for Partition[1]

Now that Sardar Patel and even Jawaharlal Nehru had become supporters of partition, Gandhiji remained my only hope. During this period he was staying at Patna. He had earlier spent some months in Noakhali, where he made a great impression on local Muslims and created a new atmosphere of Hindu-Muslim unity. We expected that he would come to Delhi to meet Lord Mountbatten and he actually arrived on 31 March. I went to see him at once and his very first remark was, "Partition has now become a threat. It seems Vallabhbhai and even Jawaharlal have surrendered. What will you do now? Will you stand by me or have you also changed?"

I replied, 'I have been and am against partition. Never has my opposition to partition been so strong as today. I am however distressed to find that even Jawaharlal and Sardar Patel have accepted defeat and in your words, surrendered their arms. My only hope now is in you. If you stand against partition, we may yet save the situation. If you however acquiesce, I am afraid India is lost.'

Gandhiji said, 'What a question to ask? If the Congress wishes to accept partition, it will be over my dead body. So long as I am alive, I will never agree to the partition of India. Nor will I, if I can help it, allow Congress to accept it.'

Later that day Gandhiji met Lord Mountbatten. He saw him again the next day and still again on 2 April. Sardar Patel came to see him soon after he returned from his first meeting with Lord Mountbatten and was closeted with him for over two hours. What happened during this meeting I do not know. But when I met Gandhiji again, I received the greatest shock of my life, for I found that he too had changed. He was still not openly in favour of partition but he no longer spoke so vehemently against it. What surprised and shocked me even more was that he began to repeat the arguments which Sardar Patel had already used. For over two hours I pleaded with him but could make no impression on him.

7. Chiefs of Staff (India) on the Defence Implications of the Partition Scheme[2]

1 *April* 1946

Conclusions

(*a*) We consider that if Pakistan and Hindustan are to have separate defence forces the combined total of these forces must inevitably be greater than

[1] *India Wins Freedom: An Autobiographical Narrative*, Orient Longmans, Calcutta, 1959, pp. 186-87.

[2] This document has been taken from the private collection of Mr. Mumtaz Hasan.

that of Defence Forces designed to serve India as a whole, since the administrative 'overheads' must be duplicated and there is no flexibility.

(*b*) Pakistan covers all the important land frontiers of India and the Army and Air Forces required to defend Pakistan from external aggressors are virtually the same as those required to defend India as a whole.

(*c*) It will be impossible for Pakistan to maintain defence forces of the proper size for the following reasons:

(*i*) In spite of having less than half of the wealth of India as a whole, she should maintain Army and Air Forces comparable to those now planned for the defence of the whole of India.

(*ii*) Pakistan would need a duplicate administrative layout which she cannot possibly afford, and which will lack essential depth.

(*iii*) Although Pakistan has sufficient manpower to find the ratings and IORs she needs for her three services, it would be impossible to find the necessary officers and technicians for many years.

(*d*) Hindustan could raise and maintain the forces she needs for her own purposes without difficulty, except in the case of the higher rates in the RIN.

(*e*) We consider that the proposal to have separate defence forces for Pakistan and Hindustan in economically wasteful and quite impracticable, since Pakistan is in fact quite incapable of maintaining the forces required.

Note by the Chiefs of Staff (*India*):

The officer problem is more acute for Pakistan than Hindustan. It is felt that both will need British officers, but in the case of Pakistan it will take longer for her armed forces to be officered entirely by Muslims.

8. Alan Campbell-Johnson on Governors' Views about the Partition Proposal

Viceroy's House, New Delhi, *Tuesday, 15th April,* 1947

In the afternoon session, discussion was broken down to allow for reports by Governors on their individual Provinces. Sir Olaf Caroe, speaking about the North-West Frontier, which at the moment seems to be the point of most acute political crisis, wants an election. Dr. Khan Sahib, the Premier who, with his more famous brother Abdul Ghaffar Khan, "the Frontier Gandhi", leads the pro-Congress Red Shirt group, does not. All the pro-Moslem League Moslems who would stand to gain most from an election are in goal. Mountbatten's advice is "hold your hand, if possible", but Caroe looks tense and tired, and is clearly weighed down by his heavy responsibilities.

Jenkins gave a lucid analysis of the implications of Punjab partition, showing just how the Moslem versus non-Moslem issue was complicated by Sikh and Hindu Jat claims. Tyson similarly examined the prospects for Bengal, if under partition. East Bengal, he felt, would become a rural slum. There were some

[1] *Mission with Mountbatten*, Robert Hale Limited, London, 1951, p. 65.

twenty-five million Hindus in Bengal—forty-five per cent of the population—and they all wanted to be absorbed into Hindustan. The concept of East Bengal was unacceptable to many local Moslems. The relationship between Jinnah and the present Moslem Premier of Bengal, Suhrawardy, was far from cordial. Suhrawardy is frightened of partition and is ready to play with the Hindus. Jenkins, too, spoke of the possible growth of anti-Pakistan opinion in the Punjab and Bengal. The local Moslems would be satisfied to run Bengal as a Moslem-controlled Province.

The Governor of Bihar drew attention to the concentration of wealth, mineral and iron. The industrial development of Chota Nagpur was part of Suhrr-wardy's concept for the building up of an independent Bengal. Provincial devolution would, he felt, in the case of Bihar have wide repercussions. In the general discussion it was felt that a Sind-Punjab Pakistan was economically feasible. Mountbatten considered, however, that East Bengal might contract out and that also the North-West Frontier was a liability.

9. Chaudhri Muhammad Ali on Menon's Proposal for an Early Transfer of Power[1]

...what was not known was whether both the Indian Union and Pakistan would be in the Commonwealth. That Pakistan was willing, Mountbatten already knew since Jinnah had disclosed it to him as early as April 12, 1947. The Congress stood committed to the resolution of the constituent assembly in favour of a sovereign independent Republic, which implied leaving the Commonwealth. Krishna Menon, "one of Nehru's closest friends to whom he [had] given a roving commission at this critical time," was, however, trying to find a formula for "common citizenship" between India and Britain that would avoid Dominion Status.[2] The Congress was worried and afraid that Pakistan would come to occupy a position of vantage over the Indian Union. Campbell-Johnson recorded on April 26,

> The Commonwealth issue is looming large. There has been a fair indication of Patel's policy on this subject in the leading article of today's *Hindustan Times*. Ismay drew attention to the relevant extract, which runs as follows: "If there is a settlement between the Congress and the League as a result of which the Muslim majority areas are allowed to constitute themselves into separate sovereign States, we have no doubt that Union will not stand in the way of Britain establishing contacts with those States. It must be clearly understood, however, that the Indian Union will consider it a hostile act if there is any attempt by Britain to conclude any treaty or alliance involving military or political clauses."[3]

Faced with this attitude of the Congress, "Mountbatten came down heavily against the concept of allowing only a part to remain in [the Common-

[1] *The Emergence of Pakistan*, Columbia University Press, New York, 1967, pp. 134-138.
[2] Alan Campbell-Johnson, *Mission with Mountbatten*, Robert Hale Limited, London 1953, p. 50.
[3] *Ibid.*, p. 72.

wealth], with the consequent risk of Britain being involved in the support of one Indian sovereign State against another."[1] As already stated, Mountbatten's primary aim was to achieve a solution that would keep both the Indian Union and Pakistan with the Commonwealth. Soon he was to be shown a way of gaining this coveted objective.

After Ismay's departure for London to obtain the approval of the British government to the partition plan,[2] Mountbatten went up to Simla for a short rest. V. P. Menon, who accompanied Mountbatten to Simla, put it to him that Congress would accept Dominion Status in return for a very early transfer of power. Menon had been canvassing this idea with Patel for quite some time on the ground that by this means the Congress would win the friendship of Britain and the support of British officers, civil and military, in the Indian administration, On May 1 Menon had conveyed to Mountbatten through Mieville that "Patel might be ready to accept an offer of Dominion Status for the time being."[3] Now, in Simla, he had an opportunity of putting Patel's condition for accepting Dominion Status directly to Mountbatten. The condition was that power should be transferred in two months.[4] Gandhi's Secretary, Pyarelal, has given substantially the same version. He writes that in the second half of April, 1947, it was put to Patel, that "if the Congress could accept Dominion Status as an *ad interim* arrangement, it would be possible to anticipate the date of the British withdrawal. It would, further, take away from the Muslim League its bargaining power with the British. The argument, it seems, went home. On the 1st May the Viceroy's secretary reported that the Sardar [Patel] was now ready to accept an offer of Dominion Status for the time being."[5]

Mountbatten, whose primary aim was to bring the Indian Union also into the Commonwealth, jumped at the proposition put forward by V.P. Menon. He had been searching for a solution; now, suddenly, through the good offices of V.P. Menon he saw the way, and felt properly grateful. In a letter to Menon he wrote:

> It was indeed fortunate that you were Reforms Commissioner on my Staff, and that thus we were brought together into close association with one another at a very early stage, for *you were the first person I met who entirely agreed with the idea of Dominion Status, and you found the solution, which I had not thought of, of making it acceptable by a very early transfer of power. History must always rate that decision very high, and I owe it to your advice, advice given in the teeth of considerable opposition from other advisers.*[6]

Mountbatten's other advisers, all of them British, were, of course, in favour of the Indian Union remaining in the Commonwealth, but some of them doubted if an

[1] *Ibid.*, p. 81.
[2] The date for the transfer of power in this plan was I June 1948. Ed.
[3] Alan Campbell-Johnson, p. 81.
[4] Pyarelal, *Mahatma Gandhi: The Last Phase*, Vol. II, Navajivan Publishing House, Ahmedabad, 1956, p. 154.
[5] *Ibid.*, p. 166.
[6] Reproduced in Leonard Mosley, *The Last Days of the British Raj*, Weidenfeld and Nicolson, London, 1961, p. 127. Author's italics.

extremely hurried scuttle was not too high a price to pay for it. Mountbatten, however, plunged into the deal with his usual vigour.

Things now moved quickly. On May 7, at Mountbatten's staff meeting, V.P. Menon "confirmed both Patel's and Nehru's positive approach to the subject and the need for dropping the terms 'King Emperor' and 'Empire' to which so many Indians objected."[1] The next day Nehru and Krishna Menon arrived in Simla and stayed with the Viceroy as his guests. Krishna Menon said that "Nehru is attracted to the concept, if only because it may give Mountbatten opportunity to bring his influence to bear on the more recalcitrant Princes."[2]

On May 10, Mountbatten held a conference attended by Nehru, Mieville, and V.P. Menon to discuss the new plan. According to V.P. Menon.

> The broad outlines were that the Muslim majority areas should be separated from India and that the transfer of power should be to two central Governments, India and Pakistan, on the basis of Dominion Status, each having its own Governor-General....The Viceroy remarked that whereas it seemed to him that it would be a fairly easy matter... to transfer power at a very early date on a Dominion Status basis to the Union of India, there would for some time to come be no authorities in Pakistan to whom power could be transferred. I assured him that this problem would not present any insuperable difficulty and that we could find a solution. Nehru... said that it was very desirable that there should be a transfer of power as soon as possible on a Dominion Status basis.[3]

It will be noticed that there is no difference between the plan discussed at this confernce and the partition plan taken by Ismay to London except an earlier transfer of power on the basis of Dominion Status.

Mountbatten was too experienced an administrator to be unaware of the immense difficulties that Pakistan would have to face under this new plan for a very early transfer of power. "What are we doing?" he asked. "Administratively it is the difference between putting up a permanent building, a nissen hut or a tent. As far as Pakistan is concerned we are putting up a tent. We can do no more."[4] The injustice to Pakistan, however, weighed little with him against the grand object of bringing the Indian Union into the British Commonwealth of which, he said, "The value to the United Kingdom both in terms of world prestige and strategy would be enormous."[5]

Within the sub continent, the advantages of this hurried transfer of power would accrue wholly to the Indian Union and the disadvantages to Pakistan. The former was inheriting the administrative machinery of the Government of India, practically intact. All the departments of government as well as army, air force and naval headquarters were located in the capital at New Delhi. The number of Muslim officers, civil and military, was small, and their disappearance would

[1]Quoted in Campbell-Johnson, p. 86.
[2]Quoted in *ibid.*, p. 88.
[3]V. P. Menon, *The Transfer of Power in India*, Orient Longmans, Calcutta, 1957, p. 360.
[4]Quoted in Campbell-Johnson, p. 87.
[5]*Ibid.*

make little difference. Within the two months stipulated by Patel and accepted by Mountbatten, it would be impossible to carry out an orderly division of the administrative machinery and of the armed forces or to complete the innumerable tasks involved in setting up the Governments of Pakistan and of the partitioned provinces of the Punjab and Bengal. The Indian Union would virtually be the successor state to British India. Pakistan would be in the position of territories that had seceded from the parent country and would start with enormous handicaps, without an organized administration, without armed forces, without records, without equipment or military stores. It is difficult to imagine conditions more calculated to bring about a breakdown in Pakistan.

The cost in human life and misery of this deal between Mountbatten and the Congress leaders was incalculable. Winston Churchill called the transfer of power within fifteen months a "shameful flight" and "a hurried scuttle". What epithet can adequately describe the same operation being carried out in two months? Its appalling consequences in rivers of blood and the uprooting of millions lay in the future and may not have been apparent to the actors in this tragedy. But what could be seen clearly was that the immense administrative difficulties inherent in the transfer of power and in partition would be multiplied to such an extent as to be virtually beyond control. There could be no planned and orderly transition so far as Pakistan was concerned—but what did that matter? Both the Indian Union and Pakistan would be within the Commonwealth; the primary aim of British diplomacy would be achieved. A spirit of vengefulness filled the breast of Hindu leadership at this time; to mutilate and injure the nascent Pakistan so as to make its existence impossible seems to have been the ruling passion that made it blind to all considerations of humanity and justice.

10. Leonard Mosley on Nehru's Rejection of the Partition Plan As Approved by the British Government[1]

On the evening of 10 May 1947 Mountbatten asked Nehru to join him in the Viceregal study for an after-dinner whisky-and-soda. Nothing had happened over dinner to cause him anxiety. But as the two men talked, Mountbatten had what he afterwards called a 'sudden hunch'. He was not supposed to show the Plan which, with its amendments, had now been cabled back from London, to anyone until the meeting on 17 May. The Viceroy, however, had an impulse. He went over to his safe, opened it and took out the Plan, and asked Nehru to read it.

The next thirty minutes were probably the most uncomfortable of his life. Nehru has a transparent face and never dissimulates when he is in the grip of strong emotion. Mountbatten had the unhappy experience of watching the Indian leader's face go first red with anger and then green with distress. At the end of the reading, he made as if to fling the Plan on the ground, then recollected himself and tossed it on the Viceroy's desk.

[1] *The Last Days of the British Raj*, weidenfeld and Nicolson, London, December 1962, pp. 122-126.

'It won't do,' he said. 'I will never accept a plan like this! Congress will never accept it! And India will never accept it, either."

Mountbatten looked at him in bewilderment and distress. "I thought that I knew what was in Nehru's mind," he said (to the author) later. "But the Hindus are strange. You can never tell. I had talked to all of them, and then I sat down and drafted a Plan which I thought expressed their ideas. I was completely wrong."

*

...Nehru had obviously brooded and worked through most of the night, and to the Viceroy's breakfast table came a memorandum, couched in heated words, condemning the Plan. 'The picture presented by the proposals in Plan is an ominous one,' wrote Nehru. 'Not only do they menace India but they endanger the future relations between Britain and India. Instead of producing any sense of certainty, security and stability, they would encourage disruptive tendencies everywhere and chaos and weakness. They would particularly endanger important strategic areas....The inevitable consequences of the proposals would be to invite the Balkanization of India, to provoke certain civil conflict and add to violence and disorder; to cause a further breakdown of the central authority, which could alone prevent the growing chaos, and to demoralize the army, the police and the central services....If it was indeed His Majesty's Government's sole purpose to ascertain the wishes of the people of India and to transfer power with the least possible dislocation, the purpose would not be advanced or achieved by these proposals. Before the people chose they should have a proper picture of what they were choosing. [This plan] with no clear background would produce nothing but confusion, and the transfer of power, instead of being made without dislocation, would be obstructed by vidence, by a mass of complicatons, and by weakness of the central Government and its organs....I have no doubt that Congress will not accept the proposals.'[1]

*

First, he [Mountbatten] sent out an immediate call for V. P. Menon. Menon was having morning coffee with Nehru and finding the going difficult. The Indian leader was resentful because Menon had not told him beforehand what was in the 'Dickie Bird Plan'; Menon could not explain that the Viceroy had ordered him not to; it was all very sticky, and Menon was glad to hurry away to the Viceregal Lodge. There he found Mountbatten in a state as close to panic as he is ever likely to be. He explained what had happened and desperately asked what he should do next.

"I told him", said Menon, "that the most promising line of action was to proceed on the basis of my plan. This proposition was almost certain to be accepted by Congress, because it would ensure early demission of power. The only question was whether Jinnah would accept a truncated Pakistan—and I reminded the Viceroy that he himself had gained the impression that Jinnah was reconciled to the idea of the partition of the Punjab and Bengal."[2]

[1]Government of India Records.
[2]In a conversation with the author.

Before Menon had finished speaking, Mountbatten had made up his mind. The panic was gone and he was full of confidence again. He told Menon to summon a Staff meeting at once, and to send an invitation to Nehru to attend it. At this meeting, Nehru's objection to the 'Dickie Bird Plan' was formally read into the Minutes. Then both the Viceroy and V.P. Menon once more expounded the benefits of the Menon Plan for Dominion Status, and the Viceroy ended the meeting by saying:

'I would like to ask you a straight question, Pandit Nehru. Will Congress accept a new Draft Plan if it is amended in the light of these discussions?'

Nehru: 'I cannot say. I would prefer to see the new draft first.'[1]

The meeting adjourned and Nehru departed, but the Viceroy and V.P. Menon stayed behind to talk. Menon had anticipated that there would now be some delay while a draft of his Plan was drawn up; but Mountbatten was determined that no more time must be lost. He explained to Menon that Nehru was leaving that evening for Delhi, and it was vital that he should see and approve a draft of the new Plan before he left—otherwise it might be impossible to pin him down for weeks, and everything would be ruined. Could V.P. get out the draft in time for Nehru to see and read it before his train departed?

*

At 6 p.m. V.P. Menon finished the last sentence of the Draft Plan and had it snatched from his hands by Sir Eric Mieville, who was leaning over him.

Menon, who now had a splitting headache, took four aspirins and went to bed. It was not until nine o'clock that evening, at a banquet at Viceregal Lodge, that he got the first hint of the result of his labours. His wife was at one end of the receiving line when the Viceroy and Vicereine came in and he was at the other. He watched the Mountbattens make a bee-line for Mrs. Menon and warmly greet her. Then he had to wait for another five minutes, until Lady Mountbatten came up to him, gave him an affectionate peck on the cheek while she whispered in his ear:

'He accepted it, V. P.'

It had taken one man exactly four hours to draw up the Plan which was to change the face of India, and the world.

11. Lord Mountbatten on the Partition Plan[2]

3 *June* 1947

Nothing I have seen or heard in the past few weeks has shaken my firm opinion that with a reasonable measure of goodwill between the communities a unified India would be by far the best solution of the problem.

For more than a hundred years 400 millions of you have lived together and this country has been administered as a single entity. This has resulted in

[1]Government of India Records.

[2]H.E. Lord Louis Mountbatten, Viceroy of India's Broadcast and Statement by His Majesty's Government, dated 3rd June 1947, Publicity Department, Punjab Government, Lahore, pp. 1-3.

unified communications, defence, postal services and currency; an absence of tariffs and customs barriers; and the basis for an integrated political economy. My great hope was that communal differences would not destroy all this.

My first course, in all my discussions, was therefore to urge the political leaders to accept unreservedly the Cabinet Mission Plan of 16 May 1946. In my opinion, that Plan provides the best arrangement that can be devised to meet the interests of all the communities of India. To my great regret it has been impossible to obtain agreement either on the Cabinet Mission Plan, or on any other plan that would preserve the unity of India. But there can be no question of coercing any large areas in which one community has a majority to live against their will under a Government in which another community has a majority. And the only alternative to coercion is partition.

But when the Muslim League demanded the partition of India, Congress used the same arguments for demanding in that event the partition of certain Provinces. To my mind this argument is unassailable. In fact neither side proved willing to leave a substantial area in which their community have a majority under the Government of the other. I am, of course, just as much opposed to the partition of Provinces as I am to the partition of India herself and for the same basic resons.

For just as I feel there is an Indian consciousness which should transcend communal differences so I feel there is a Punjabi and Bengali consciousness which has evoked a loyalty to their Province.

And so I felt it was essential that the people of India themselves should decide this question of partition.

The procedure for enabling them to decide for themselves whether they want the British to hand over power to one or two Governments is set out in the statement which will be read to you. But there are one or two points on which I should like to add a note of explanation.

It was necessary in order to ascertain the will of people of the Punjab, Bengal and part of Assam to lay down boundaries between the Muslim majority areas and the remaining areas ,but I want to make it clear that the ultimate boundaries will be settled by a Boundary Commission and will almost certainly not be identical with those which have been provisionally adopted.

We have given careful consideration to the position of the Sikhs. This valiant community forms about one-eighth of the population of the Punjab, but they are so distributed that any partition of this Province will inevitably divide them. All of us w ho have the good of the Sikh community at heart are very sorry to think that the partition of the Punjab, which they themselves desire, cannot avoid splitting them to a greater or lesser extent. The exact degree of the split will be left to the Boundary Commission on which they will of course be represented.

The whole plan may not be perfect; but like all plans, its success will depend on the spirit of goodwill with which it is carried out. I have always felt that once it was decided in what way to transfer power the transfer should take place at the earliest possible moment, but the dilemma was that if we waited until a constitutional set-up for all India was agreed, we should have to wait a long

time, particularly if partition was decided on. Whereas if we handed over power before the Constituent Assemblies had finished their work we should leave the country without a Constitution. The solution to this dilemma, which I put forward, is that His Majesty's Government should transfer power now to one or two Governments of British India, each having Dominion Status as soon as the necessary arrangements can be made. This I hope will be within the next few months. I am glad to announce that His Majesty's Government have accepted this proposal and are already having legislation prepared for introduction in Parliament this session. As a result of these decisions the special function of the India Office will no longer have to be carried out, and some other machinery will be set up to conduct future relations between His Majesty's Government and India.

I wish to emphasise that this legislation will not impose any restriction on the power of India as a whole, or of the two States if there is partition, to decide in the future their relationship to each other and to other member States of the British Commonwealth.

Thus the way is now open to an arrangement by which power can be transferred many months earlier than the most optimistic of us thought possible, and at the same time leave it to the people of British India to decide for themselves on their future, which is the declared policy of His Majesty's Government.

I have made no mention of the Indian States, since the new decisions of His Majesty's Government are concerned with the transfer of power in British India.

If the transfer of power is to be effected in a peaceful and orderly manner, every single one of us must bend all his efforts to the task. This is no time for bickering, much less for the continuation in any shape or form of disorders and lawlessness of the past few months. Do not forget what a narrow margin of food we are all working on. We cannot afford any toleration of violence. All of us are agreed on that.

Whichever way the decision of the Indian people may go, I feel sure any British officials or officers who may be asked to remain for a while will do everything in their power to help implement that decision. His Majesty as well as his Government have asked me to convey to all of you in India their sincere good wishes for your future and the assurance of their continued goodwill.

I have faith in the future of India and am proud to be with you all at this momentous time. May your decisions be wisely guided and may they be carried out in the peaceful and friendly spirit of the Gandhi-Jinnah appeal.

12. The Partition Plan[1]

3 *June* 1947

Introduction

1. On February 20th, 1947, His Majesty's Government announced their intention of transferring power in British India to Indian hands by June

[1] *Ibid.*, pp. 328.

1948. His Majesty's Government had hoped that it would be possible for the major parties to co-operate in the working out of the Cabinet Mission's Plan of May 16th, 1946, and evolve for India a Constitution acceptable to all concerned. This hope has not been fulfilled.

2. The majority of the representatives of the Provinces of Madras, Bombay, the United Provinces, Bihar, Central Provinces and Berar, Assam, Orissa and the North-West Frontier Province, and the representative of Delhi, Ajmer-Merwara and Coorg have already made progress in the task of evolving a new Constitution. On the other hand, the Muslim League Party, including in it a majority of the representatives of Bengal, the Punjab and Sind and also the representative of British Baluchistan, have decided not to participate in the Constituent Assembly.

3. It has always been the desire of His Majesty's Government that power should be transferred in accordance with the wishes of the Indian people themselves. This task would have been greatly facilitated if there had been agreement among the Indian political parties. In the absence of such an agreement, the task of devising a method by which the wishes of the Indian people can be ascertained has devolved upon His Majesty's Government. After full consultation with political leaders in India, His Majesty's Government have decided to adopt for this purpose the plan set out below. His Majesty's Government wish to make it clear that they have no intention of attempting to frame any ultimate Constitution for India; this is a matter for the Indian themselves. Nor is there anything in this plan to preclude negotiations between communities for a united India.

The Issues to Be Decided

4. It is not the intention of His Majesty's Government to interrupt the work of the existing Constituent Assembly. Now that provision is made for certain Provinces specified below, His Majesty's Government trust that, as a consequence of this announcement, the Muslim League representatives of those Provinces, a majority of whose representatives are already participating in it, will now take their due share in its labours. At the same time, it is clear that any Constitution framed by this Assembly cannot apply to those parts of the country which are unwilling to accept it. His Majesty's Government are satisfied that the procedure outlined below embodies the best practical method of ascertaining the wishes of the people of such areas on the issue whether their Constitution is to be framed:

(*a*) in the existing Constituent Assembly; or

(*b*) in a new and separate Constituent Assembly consisting of the representatives of those areas which decide not to participate in the existing Constituent Assembly.

When this has been done, it will be possible to determine the authority or authorities to whom power should be transferred.

Bengal and the Punjab

5. The Provincial Legislative Assemblies of Bengal and the Punjab (excluding the European Members) will, therefore, each be asked to meet in two

parts, one representing the Muslim-majority districts and the other the rest of the Province. For the purpose of determining the population of districts, the 1941 census figures will be taken as authoritative. The Muslim majority districts in these two Provinces are set out in the Appendix to this Announcement.

6. The Members of the two parts of each Legislative Assembly sitting separately will be empowered to vote whether or not the Province should be partitioned. If a simple majority of either part decides in favour of partition, division will take place and arrangements will be made accordingly.

7. Before the question as to the partition is decided, it is desirable that the representatives of each part should know in advance which Constituent Assembly the Province as a whole would join in the event of the two parts subsequently deciding to remain united. Therefore, if any Member of either Legislative Assembly so demands, there shall be held a meeting of all Members of the Legislative Assembly (other than Europeans) at which a decision will be taken on the issue as to which Constituent Assembly the Province as a whole would join if it were decided by the two parts to remain united.

8. In the event of partition being decided upon, each part of the Legislative Assembly will, on behalf of the areas they represent, decide which of the alternatives in paragraph 4 above to adopt.

9. For the immediate purpose of deciding on the issue of partition, the Members of the Legislative Assemblies of Bengal and the Punjab will sit in two parts according to Muslim-majority districts (as laid down in the Appendix) and non-Muslim-majority districts. This is only a preliminary step of a purely temporary nature as it is evident that for the purposes of a final partition of these Provinces a detailed investigation of boundary questions will be needed; and, as soon as a decision involving partition has been taken for either Province, a Boundary Commission will be set up by the Governor-General, the membership and terms of reference of which will be settled in consultation with those concerned. It will be instructed to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. It will also be instructed to take into account other factors. Similar instructions will be given to the Bengal Boundary Commission. Until the report of the Boundary Commission has been put into effect, the provisional boundaries indicated in the Appendix will be used.

Sind

10. The Legislative Assembly of Sind (excluding the European Members) will, at a special meeting, also take its own decision on the alternatives in paragraph 4 above.

North-West Frontier Province

11. The position of the North-West Frontier Province is exceptional. Two of the three representatives of this Province are already participating in the

existing Constituent Assembly. But it is clear, in view of its geographical situation, and other considerations, that if the whole or any part of the Punjab decides not to join the existing Constituent Assembly, it will be necessary to give the North-West Frontier Province an opportunity to reconsider its position. Accordingly, in such an event, a referendum will be made to the electors of the present Legislative Assembly in the North-West Frontier Province to choose which of the alternatives mentioned in paragraph 4 above they wish to adopt. The referendum will be held under the aegis of the Governor-General and in consultation with the Provincial Government.

British Baluchistan

12. British Baluchistan has elected a Member but he has not taken his seat in the existing Constituent Assembly. In view of its geographical situation, this Province will also be given an opportunity to reconsider its position and to choose which of the alternatives in paragraph 4 above to adopt. His Excellency the Governor-General is examining how this can most appropriately be done.

Assam

13. Though Assam is predominantly a non-Muslim Province, the district of Sylhet which is contiguous to Bengal is predominantly Muslim. There has been a demand that, in the event of the partition of Bengal, Sylhet should be amalgamated with the Muslim part of Bengal. Accordingly, if it is decided that Bengal should be partitioned, a referendum will be held in Sylhet district under the aegis of the Governor-General and in consultation with the Assam Provincial Government to decide whether the district of Sylhet should continue to form part of the Assam Province or should be amalgamated with the new Province of Eastern Bengal, if that Province agrees. If the referendum results in favour of amalgamation with Eastern Bengal, a Boundary Commission with terms of reference similar to those of the Punjab and Bengal will be set up to demarcate the Muslim-majority areas of Sylhet district and contiguous Muslim-majority areas of adjoining districts, which will then be transferred to Eastern Bengal. The rest of the Assam Province will in any case continue to participate in the proceedings of the existing Constituent Assembly.

Representation in Constituent Assemblies

14. If it is decided that Bengal and the Punjab should be partitioned, it will be necessary to hold fresh elections to choose their representatives on the scale of one for every million of population according to the principle contained in the Cabinet Mission's Plan of May 16th, 1946. Similar elections will also have to be held for Sylhet in the event of it being decided that this district should form part of East Bengal. The number of representatives to which each area would be entitled is as follows:

Province		*General*	*Muslims*	*Sikhs*	*Total*
Sylhet District	..	1	2	Nil	3
West Bengal ..	..	15	4	Nil	19
East Bengal ..	..	12	29	Nil	41
West Punjab ..	..	3	12	2	17
East Punjab ..	..	6	4	2	12

15. In accordance with the mandates given to them, the representatives of the various areas will either join the existing Constituent Assembly or form the new Constituent Assembly.

16. Negotiations will have to be initiated as soon as possible on the administrative consequences of any partition that may have been decided upon

(*a*) between the representatives of the respective successor authorities about all subjects now dealt with by the Central Government, including Defence, Finance and Communications;

(*b*) between different successor authorities and His Majesty's Government for treaties in regard to matters arising out of the transfer of power;

(*c*) in the case of Provinces that may be partitioned, as to the administration of all Provincial subjects, such as the division of assets and liabilities, the police and other Services, the High Courts, provincial institutions, etc.

The Tribes af the North-West Frontier

17. Agreements with tribes of the North-West Frontier of India will have to be negotiated by the appropriate successor authority.

The States

18. His Majesty's Government wish to make it clear that the decisions announced above relate only to British India and that their policy towards Indian States contained in the Cabinet Mission Memorandum of May 12th 1946, remains unchanged.

Necessity for Speed

19. In order that the successor authorities may have time to prepare themselves to take over power, it is important that all the above processes should be completed as early as possible. To avoid delay, the different Provinces or parts of Provinces will proceed independently as far as practicable within the conditions of this Plan. The existing Constituent Assembly and the new Constituent Assembly (if formed) will proceed to frame Constitutions for their respective territories; they will, of course, be free to frame their own rules.

Immediate Transfer of Power

20. The major political parties have repeatedly emphasised their desire

that there should be the earliest possible transfer of power in India. With this desire His Majesty's Government are in full sympathy, and they are willing to anticipate the date of June 1948 for the handing over of power by the setting up of an independent Indian Government or Governments at an even earlier date. Accordingly, as the most expeditious, and indeed the only practicable way of meeting this desire, His Majesty's Government propose to introduce legislation during the current session for the transfer of power this year on a Dominion Status basis to one or two successor authorities according to the decisions taken as a result of this announcement. This will be without prejudice to the right of the Indian Constituent Assemblies to decide in due course whether or not the part of India in respect of which they have authority will remain within the British Commonwealth.

Further Announcements by Governor-General

21. His Excellency the Governor-General will from time to time make such further announcements as may be necessary in regard to procedure or any matters for carrying out the above arrangements.

Appendix

The Muslim-majority districts of the Punjab and Bengal according to 1941 census:

1. *Punjab*

Lahore Division: Gujranwala, Gurdaspur, Lahore, Sheikhupura, Sialkot.
Rawalpindi Division: Attock, Gujrat, Jhelum Mianwali, Rawalpindi, Shahpur.
Multan Division: Dera Ghazi Khan, Jhang, Lyallpur, Montgomery, Multan, Muzaffargarh.

2. *Bengal*

Chittagong Division: Chittagong, Noakhali, Tipperah.
Dacca Division: Bakarganj, Dacca, Faridpur, Mymensingh.
Presidency Division: Jessore, Murshidabad, Nadia.
Rajshahi Division: Bogra, Dinajpur, Malda, Pabna, Rajshahi, Rangpur.

The Viceroy's House, New Delhi,
3rd June, 1947.

13. Jawaharlal Nehru on the Partition Plan[1]

3 *June* 1947

Today I am speaking to you on another historic occasion when a vital change affecting the future of India is proposed. You have just heard an announce-

[1]Nripendra Nath Mitra (Ed.), *The Indian Annual Register*, January-June 1947, p. 252.

ment on behalf of the British Government. This announcement lays down a procedure for self-determination in certain areas of India. It envisages on the one hand the possibility of these areas seceding from India; on the other, it promises a big advance towards complete independence. Such a big change must have the full concurrence of the people before effect can be given to it, for it must always be remembered that the future of India can only be decided by the people of India, and not by any outside authority, however friendly.

These proposals will be placed soon before representative assemblies of the people for consideration. But meanwhile the sands of time run out and decisions cannot wait the normal course of events. So while we must necessarily abide by what the people finally decide, we had to come to certain decisions ourselves and to recommend them to the people for acceptance. We have, therefore, decided to accept these proposals and to recommend them to our larger committees that they do likedwise.

It is with no joy in my heart that I commend these proposals to you, though I have no doubt in my mind that this is the right course. For generations we have dreamt and struggled for a free and independent united India. The proposal to allow certain parts to secede if they so will is painful for any of us to contemplate. Nevertheless, I am convinced that our present decision is the right one even from the larger viewpoint. The united India that we have laboured for was not one of compulsion and coercion but a free and willing association of a free people. It may be that in this way we shall reach that united India sooner than otherwise and then she will have a stronger and more secure foundation.

We are little men serving a great cause, but because the cause is great something of that greatness falls upon us also. Mighty forces are at work in the world today and in India, and I have no doubt that we are ushering in a period of greatness for India. The India of geography, of history and tradition, the India of our minds and hearts, cannot change....

14. M. A. Jinnah on the Partition Plan[1]

3 *June* 1947

The statement of His Majesty's Government embodying the plan for the transfer of power to the peoples of India has already been broadcast and will be released to the press to be published in India and abroad tomorrow morning. It gives the outlines of the Plan for us to give it our most earnest consideration. We have to examine it coolly and dispassionately. We must remember that we have to take momentous decisions and handle grave issues facing us in the solution of the complex political problem of this great sub-continent inhabited by 400 million people. The world has no parallel for the most onerous and difficult task which we have to perform.

Grave responsibilities lie particularly on the shoulders of Indian leaders. Therefore, we must galvanize and concentrate all our energies to see that the transfer of power is effected in a peaceful and orderly manner. I most earnestly appeal to every community and particularly to Muslim India to maintain peace and order.

We must examine the Plan, its letter and spirit and come to our conclusions

[1] *Dawn*, Delhi, 5 June 1947.

and take our decisions. I pray to God that at this critical moment He may guide us and enable us to discharge our responsibilities in a wise and statesmanlike manner having regard to the *sum toto* or the plan as a whole.

It is clear that the Plan does not meet in some important respects our point of view; and we cannot say or feel that we are satisfied or that we agree with some of the matters dealt with by the Plan. It is for us now to consider whether the Plan as presented to us by His Majesty's Government should be accepted by us as a compromise or a settlement.

On this point I do not wish to pre-judge the decision of the Council of the All-India Muslim League which has been summoned to meet on Monday, 9th of June; and the final decision can only be taken by that Council according to our constitution, precedents and practice. But so far as I have been able to gather on the whole the reaction in the Muslim League circles in Delhi has been hopeful. Of course, the Plan has got to be very carefully examined in its pros and cons before the final decision can be taken.

I must say that I feel that the Viceroy has battled against various forces very bravely and the impression that he has left in my mind is that he was actuated by a high sense of fairness and impartiality, and it is up to us now to make his task less difficult and help him as far as it lies in our power in order that he may fulfil his mission of transferring power to the peoples of India in a peaceful and orderly manner.

Now, the plan that has been broadcast already makes it clear in paragraph 11 that a referendum will be made to the electorates of the present Legislative Assembly in the North-West Frontier Province who will choose which of the two alternatives in paragraph 4 they wish to adopt; and the referendum will be held under the aegis of the Governor-General in consultation with the Provincial Government. Hence it is clear that the verdict and the mandate of the people of the Frontier Province will be obtained as to whether they want to join the Pakistan Constituent Assembly or the Hindustan Constituent Assembly. In these circumstances, I request the provincial Muslim League of the Frontier to withdraw the movement of peaceful civil disobedience which they had *perforce* to resort to; and I call upon all the leaders of the Muslim League and Mussalmans generally to organise our people to face this referendum with hope and courage and I feel confident that the people of the Frontier will give their verdict by a solid vote to join the Pakistan Constituent Assembly.

I cannot but express my appreciation of the sufferings and sacrifices made by all the classes of Mussalmans and particularly the great part the women of the Frontier played in the fight for our civil liberties. Without apportioning blame, and this is hardly the moment to do so, I deeply sympathise with all those who have suffered, and those who died or whose properties were subjected to destruction, and I fervently hope that the Frontier will go through this referendum in a peaceful manner and it should be the anxiety of everyone to obtain a fair, free and true verdict of the people of the Frontier. Once again, I most earnestly appeal to all to maintain peace and order.

Pakistan Zindabad.

15. Lord Mountbatten's Press Conference[1]

4 *June* 1947

When I suddenly found myself going to India, we had some preliminary discussions in London and we settled on a programme that I should spend the first six months in becoming acquainted with the problems and then I should send my recommendations to His Majesty's Government to enable them in due course to prepare the necessary legislation for introduction early in 1948 in Parliament. But when I arrived out here I discovered almost at once that the one point on which every community was agreed, and on which all the British officials were agreed, and with which I very soon agreed myself, was that a decision at the earliest possible moment as to how we were to transfer power was a prime necessity if we were to put a stop to communal strife and bring back the atmosphere of peace and friendliness without which no progress can possibly be made. So, I set to work harder than I ever remember having done even during the war. I saw as many people as possible. First of all, I gave them background information and then I asked for their views. My own feeling was that a united India was, of course, the right answer but only if communal feeling and goodwill allowed it. So, while I did my very best to get the Cabinet Mission scheme accepted (a scheme which at one time or another—but never at the same time—had been accepted by every community) the riots and bloodshed throughout the country made the prospects of its acceptance obviously pretty remote.

The Cabinet Mission Plan is not an enforceable plan. It depends on goodwill and mutual co-operation. You cannot *make* the Cabinet Mission Plan work any more than you can *make* a horse drink after taking him down to the water. So, when it became clear that it could not be made to work with the complete free-will of at least one of the major communities, I started to look for an alternative. All the Muslim League leaders to whom I spoke made it absolutely clear that they desired partition. Once that fact was inescapably established in my mind, my next point was to see whether the Congress would agree to abandon the principle of unity for which they had stood for so long to the extent of allowing those areas that did not wish to stand for unity to form a separate Constituent Assembly. I found that they stuck by the principle of non-coercion. They said that any Province or area which did not wish to come into the existing Constituent Assembly could form a separate Constituent Assembly, but they very naturally insisted that no large non-Muslim areas should be brought into the new Constituent Assembly. When I spoke to Mr. Jinnah and the other Muslim League leaders on that point, they were, of course, as much distressed, as were the Congress leaders at the prospect of the partition. Mr. Jinnah then asked whether the same principle would be extended beyond the Punjab and Bengal. I accepted that, of course. The idea was that if Assam was to be partitioned, then Sylhet and possibly contiguous areas in which there is a definite Muslim majority should be separated. I felt from every

[1] *Time Only to Look Forward* (Speeches of Rear Admiral the Earl Mountbatten of Burma), Nicoeas Kaye, London, 1949, pp. 19-47.

point of view that the people of India should take it upon themselves to make up their own minds what they wanted to do for the future of their country.

The next problem was how to produce the mechanism to ascertain the will of the people. Clearly the adult franchise plebiscite would be the democratic way. But such a process was utterly impracticable at this moment when we wanted a very quick answer and speed was the one thing which everybody desired. Elections were held last year and the Legislative Assemblies appeared to me to be the right people to give a quick decision as to the wishes of the people. And so we devised the scheme the details of which you have read in the statement made by His Majesty's Government. But I want to point out that at every stage and every step when this plan was developed I worked hand in hand with the leaders with whom I was ultimately going to discuss the plan. The plan came as no shock to them and no surprise to them, for although I did not actually produce a written plan, I continued to make notes when they saw me and I asked them whether this was the right way or whether that was, and together we gradually constructed a plan which obviously cannot meet with the complete approval of everybody, because if it did my services would have been quite unnecessary. Ages ago the solution would have been found between the leaders themselves. The only service which I can claim has been to try as honestly and as impartially as possible to reconcile the various points of view and find out to what extent the views of one part met the views of the others.

There are two main parties to this plan—the Congress and the Muslim League, but another community much less numerous but of great importance—the Sikh community—have of course to be considered. I found that it was mainly at the request of the Sikh community that Congress had put forward the Resolution on the partition of the Punjab, and you will remember that in the words of that Resolution they wished the Punjab to be divided between predominantly Muslim and non-Muslim areas. It was, therefore, on that Resolution, which the Sikhs themselves sponsored, that this division has been provided for. I was not aware of all the details when this suggestion was made, but when I sent for the map and studied the distribution of the Sikh population under this proposal, I must say that I was astounded to find that the plan which they had produced divided their community into two almost equal parts. I have spent a great deal of time both out here and in England in seeing whether there was any solution which would keep the Sikh community more together without departing from the broad and easily understood principle, the principle which was demanded on the one side and was conceded on the other. I am not a miracle worker and I have not found that solution. All I have been able to say is that the leaders of the respective communities shall appoint a committee which will draw up the terms of reference of the Boundary Commission which has been suggested in the plan. The Boundary Commission shall have representatives of all the parties. So far as it is humanly possible there will be no interference or dictation by the British Government. If we can be of service in advancing impartial views and helping in this work, we shall not be afraid to do so, but this is your country and it is up to you to decide what to do with it.

The most gratifying part of the whole procedure has been the absolute

determination of every responsible leader with whom I have spoken that, whatever the solution finally adopted, it was going to be adopted peacefully and without any bloodshed, and they were going to throw in all their weight to stop any further trouble. Every single member of my Cabinet individually and together has expressed to me the strongest possible wish that the Armed Forces of India should be used to ensure that there is no further bloodshed, and that is the reason and the only reaosn why the Defence Member, Sardar Baldev Singh, announced last night the transfer of additional troops particularly into the areas about to be partitioned—the most important being the move of the Fourth Indian Infantry Division into the areas which are about to be partitioned in the Punjab. I do not need to tell you that this is not a British move.

Now comes probably the most interesting of all the developments in the course of these very high-speed talks. After a while it became apparent to me that next to an acceptable solution or settlement all leaders wanted speed in the actual transfer of power. All leaders were anxious to assume their full responsibility at the earliest possible moment, and I was anxious to let them do so, because once the decision has been taken, why should we wait? Waiting would only mean that I should be responsible ultimately for law and order, whereas in point of fact, however much you may talk about responsibility, it is never the same thing unless you are really legally and completely in control. How to produce that very quickly was a legal conundrum of the first order. You cannot transfer power to one or two separate Governments unless those Governments have a constitution. One of the Governments was not even in being, nor was it certain it was coming into being. The other Government would presumably take some time in framing their constitution because a constitution is a thing which should not be hurried as it has to be there for all time. Therefore I was faced with the first difficulty: was I to turn over to two Governments without a constitution? If not, was there any other constitution which could possibly be used for the time being? I do not think I need tell you, because you have studied this problem very closely, that the Government of India Act, 1935, provided the obvious answer. Some of the best brains had framed that Act. When the Secretary of State, Sir Samuel Hoare, was in the witness box of the Joint Select Committee, he answered up to 15,000 questions on this Act and he was able to answer every one of the questions to the satisfaction of the questioner without having to alter the framework of the Act. That is a very remarkable achievement, and that is the Act which, suitably adapted, will ultimately confer Dominion Status. That is the Act under which the Government has been functioning up to date and that is the Act which, as amended, will be worked until such time as the two respective Governments have made up their minds in regard to what sort of constitution they want. I rather labour this point because I would not be a bit surprised if some of you would get up and say "the British are not going to quit at all; they are just dropping us into Dominion Status". You are entitled to think that until I have given my explanation. I hope you will not think in that strain after I have given my explanation. I can assure you that it is the only solution of the problem, and if you want a proof of that, do you imagine for a moment that the responsible political parties could accept such a

suggestion if it was not the only sound solution on which we could proceed?

The curious part is, as you know, that independence through Dominion Status is complete, and the different administrations are at liberty to opt out of the Commonwealth whenever they please. Therefore, I mean it most sincerely when I say that power will be transferred as completely this year as it ever would have been by June 1948. It is a true anticipation of the transfer of power and I hope with this added advantage that instead of the British officials and officers having to get out by a certain date, whether the Indians wanted it or not—and I put it to you that although in theory some of the officers might have remained if you asked them, they would have had to resign their commissions if India had left the Commonwealth at once and so would not have been re-employed in the United Kingdom—in practice this solution enables the Indians to pick whom they want to stay here and decide for how long and on what terms of service, etc. The British will leave whenever they are told to leave. It may be we shall all be out by the end of this year. It may be that it may be useful for some of the British to stay on. But the one thing which would have been wrong to say was that we are going out and we are going to leave you in a mess and we are not going to give you any help. That would have been inexcusable. This means that the British will stay so long as they can be of use and when they are not wanted they will go exactly when they are asked to go. I cannot really put a fairer proposition to the people of India.

Now there is a third party to all these negotiations and that is the party which sits in London, Whitehall, and are legally and constitutionally responsible. I refer to His Majesty's Government. And so I took the opportunity of flying home to see them. I arrived home at lunch time on a Monday, some sixteen days ago. By tea time I was right in the midst of the India-Burma Cabinet Committee going strong. The idea of a Dominion Status solution was completely novel because it had originally nothing to do with this plan, which never contained paragraph 20. I brought it home as a surprise. The immediate answer was that it would take six or seven months to frame the necessary Act, to introduce the legislation, to pass it through the whole Committee stages and get it accepted. I asked the Prime Minister if he would kindly produce the necessary legislation in this session—that means within the next two months. The session finishes in about two months' time. He said he would do his best and invited me to come back the following day. The Lord Chancellor and the Law Officers of the Crown were there with the first rough outline of the new Act on which they had worked all night. The only thing that will delay the working of this Act is the uncertainty about what the Provinces are going to decide. Until, in fact, the people of India have outlined their own future and the shape of any separate State, the final terms of the Act cannot be drawn. But they can keep the Act ready in skeleton form, filling in the bits as information comes. Then by agreement of the Opposition —as you heard in the statement made in the House by the Leader of the Opposition—this bill will be rushed through in record time. If in fact a complete Act of Parliament of this complexity and importance can be framed and passed into law from start to finish in a matter of two months, I am told it will be a legislative record, and I think it is because of the measure of extreme

goodwill that exists among all parties in England to-day and the sincerity of the feeling they have for the good of India that this can be achieved.

Some Questions and Answers

Q. Is Your Excellency in a position to say whether Mr. Jinnah has accepted the plan?

A. The position about Mr. Jinnah and the Muslim League is this. By the Constitution and precedents of the Muslim League no final decision is taken until the Muslim League Council has an opportunity of taking that decision. I am not going to say anything to-day to prejudice the free discussion of that Council. I will put it this way. I took full personal responsibility for mentioning about it in my broadcast after my conversation with Mr. Jinnah. I do not want you to twist that in such a manner as to make it difficult for the Muslim League.

Q. Reference the Indian States, in view of the fact that there are two Constituent Assemblies likely to come into existence, is it open to any of the Indian States to choose to come into either or into neither if they wish to remain units of the British Commonwealth ?

A. The answer is that the policy about the Indian States is contained in paragraph 18. That is to say, that the policy of His Majesty's Government remains unchanged and that policy has been made clear in the declaration of 12 May 1946, and if you read that memorandum you will see that by the time the date comes to transfer power, it will be my duty to hand back paramountcy to each of the States. After that the States are free agents to enter either Constituent Assembly or make such other arrangements as they deem necessary.

I think you also asked me whether they could enter the Commonwealth separately as Dominions. The answer is that they cannot, as Dominions. If you ask me whether they can have any relations with the Commonwealth apart from that, that is a hypothetical question, which has not yet arisen. If it does I will have to refer it to His Majesty's Government.

Q. In the introductory third paragraph there is a sentence which reads "Nor is there anything in this plan to preclude negotiations between communities for a united India". Does that mean that the decision of the British Government can even at this stage be put into the melting pot, if the Indian leaders produce an agreed alternative plan?

A. It means that in a different way: it is not that it will be in the melting pot. It is the desire of His Majesty's Government to promote agreement among the parties. They can always get together and let us know what they want us to do. That is why that sentence has been put in there. It is a part of the plan.

Q. The statement says in one place that the Boundary Commission will determine the boundaries on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims and on "other factors". Will you please give us any idea as to what those "other factors" may be?

A. The term "other factors" was put in for the purpose of allowing the Commission the maximum latitude in dealing with this problem. The British

are not going to draw up those boundaries. I am quite sincere when I say this and am not bluffing.

Q. With respect to the Boundary Commission there was a statement in your Lordship's broadcast last evening in which it was categorically stated that the ultimate boundaries will be settled by a Boundary Commission and will almost certainly not be identical with those which have been provisionally adopted. Why was this categorically stated as "almost certainly". Did your Lordship have in mind certain factors that could lead to a different boundary other than the question of majority population according to community?

A. I put that in for the simple reason that in the district of Gurdaspur in the Punjab the population is 50.4 per cent Muslims, I think, and 49.6 per cent non-Muslims. With a difference of 0.8 per cent you will see at once that it is unlikely that the Boundary Commission will throw the whole of the district into the Muslim majority areas. In Bengal, the district of Khulna is the reverse case; by a very small fraction of percentage, it falls into a non-Muslim majority area. So you can't say that the whole of that district will go completely into the non-Muslim majority area. The point is this: we have adopted these districts for one purpose and one purpose only. It is the only simple way by which you can divide the Members of the Legislative Assembly. I won't labour this point. And I will be grateful for publicity by the press that it should not be assumed that it is a foregone conclusion that they will be going into the area within which their community is not in a majority.

Q. Supplemental to the question as to the basis on which the boundary may be drawn, may I take it that the question of communal majority in the population would be the basic determining factor and that the various other issues raised by other parties, such as property, economic liability and various other such considerations, would not be allowed to be included in the terms of reference—because that will be a source of conflict?

A. I entirely agree. This is a point I raised with His Majesty's Government. His Majesty's Government could hardly be expected to subscribe to a partition on the basis of landed property—least of all the present Government. I think, therefore, that the question should be left to Indians. I do not want to prophesy what this Commission will decide, but I promise you that it will be free to decide that certain considerations should be taken into account; I think it is absolutely up to them to do so.

Q. So far as Assam is concerned, there is only one district mentioned. In this Boundary Commission only this one district will be considered and nothing else?

A. In Sylhet there are some adjacent areas—I am not very clear of the extent—but there are areas in which there are Muslim majority populations. It is only Sylhet itself which will be asked to vote. There will be two Boundary Commissions for the East and the West, and the Boundary Commission for the East will be asked to look into this question because it is a question of mutual adjustment and commonsense. I put it to you that no area which is not wholeheartedly with it will be included by a State within its area. Conversely, the other

State to which an area should owe allegiance, will welcome that area. It is a matter of mutual adjustment for the Boundary Commission to look into all these matters.

Q. Earlier you said that in the matter of division of the Punjab, it will be done on the population basis, but you also say that other factors will be taken into consideration?

A. What I said was that we could not expect the present Government in England to make a statement now that they are going to partition any Province on the basis of private property! All I said was that that was a matter for the Indians themselves to decide. Every time you ask me whether I was going to decide a question for you I say "No". If you put the same question in a second and third way, I still say my answer is "No". I am quite sincere when I say that you have got to make up your own mind.

Q. The question is how to keep the integrity of the Sikh community intact. What is the provision that you have made in this plan to keep the integrity of the Sikh people intact?

A. I must point out that the people who asked for the partition were the Sikhs. The Congress took up their request and framed the Resolution in the from they wanted. They wanted the Punjab to be divided into predominantly Muslim and non-Muslim areas. I have done exactly what the Sikhs requested me to do through the Congress. The request came to me as a tremendous shock, as I like the Sikhs, and I am fond of them and I wish them well. I started thinking out a formula to help them, but I am not a magician. I am an ordinary human being. I believe that it is the Indians who have got to find out a solution. You cannot expect the British to solve all your problems. I can only help you to arrive at the correct solution. A lot can be done by a Chairman but he cannot impose a dicision on any one. It is up to the Sikhs who are represented on the Committee to take up the case. It is not I who am responsible for asking for partition.

Q. If the matter of partition is to be settled merely on the basis of population and not on the basis of property, and the Sikhs are uprooted from the place where they have got property, will they not become paupers?

A. Look, I want to make it absolutely clear. If that was what you wanted, why did you not put your resolution in that form? Why did you not make the request that you wanted it to be divided into Muslim and non-Muslim property areas? You have got all that you asked for, but I want to help you.

Q. How is it that in the case of Bengal and the Punjab the legislatures have been asked to decide which Constituent Assembly they should join, but a different procedure has been proposed in the case of the North-West Frontier Province where the electors will have to decide the issue?

A. The reason for that is contained in paragraph 11 which has been appropriately worded and in addition to that, please remember that in the case of the North-West Frontier Province there is the heaviest weightage for the minority community which is not to be found in any other Province of India. So much so, that out of fifty seats, twelve have been given to the minorities, although they represent only something like five per cent. In fact, you have got a weightage four

times greater than the number of minorities. That is one reason. The other reason is that it is a perfectly straightforward referendum on this particular question.

Q. The Congress Party are supporting the demand of the Frontier people for a sovereign State. You want both the parties to agree. Is it not enough that the demand of the Frontier people should be put by one party and it should be considered by the rest of the Government?

A. How is it possible for me to agree to each request of one party? In that case, where is the basis of agreement?

Q. Can they the Frontier people decide whether they wish to remain independent or whether they wish to join some Constituent Assembly?

A. If the Frontier were to vote for independence and if they can get the two High Commands to agree, I will, of course, agree. If, on the other hand, they want to join one of the two Constituent Assemblies, then we stick to what was originally agreed to.

Q. May I ask whether each Dominion will have full responsibility for its own defences?

A. Basically each State, when it gets its independnece, is wholly and solely responsible for its own defence. I must tell you that the process of partition of forces, if it is to be done in a way that will not cause the collapse of the morale and the disintegration of the army, must be done in an orderly and well-disciplined manner. When the partition has taken place, the States are absolutely at liberty to get together and have a combined plan for the defence of India or to make their own separate plans...

There is one more point which I was asked and which I have not yet answered. I was asked whether His Majesty's Government had made no provision for the protection of the minorities, because they are not referred to in this plan. The position about minorities is that since the desire of the British to quit power is now going to be effected quickly, there is no chance for the British to afford protection to the minorities. But I should like to add that on the question of the minorities I have talked to the principal leaders and I am absolutely certain that so long as power rests with them to look after the interests of the minorities they will use it as a matter of conscience, honour and fair play. I have also told them that I shall be only too happy if I can help them in any way. I have told the leaders of the minorities that they can see me while I am here and I will do my best to help them. I have got great faith in the future of India and that faith remains. I do believe that the minorities are going to have fair play and a decent chance in the country.

16. 'The Guardian' on the Partition Plan[1]

The partition of India is, of course, not imposed by the British Government. If it comes it will be by the will of Indians. But it is almost too much to hope that the Moslem League will now refrain from insisting on it. The inconveniences and dislocation that must result from it are so great that it might seem reasonable to hope

[1]From leading article in *The Guardian*, Manchester, 5 June 1947.

that experience of them will lead to a reunion. Yet it has to be remembered that such difficulties are most felt at the start. Men grow accustomed to the trouble and waste. On the other hand, vested interests in partition grow yearly stronger and more numerous. Hence in forecasting the future we must expect to have to deal with two Indias. Or will it be three Indias? East Bengal is separated from the Punjab by a great space. In manners, customs, language, and culture the two provinces are even farther apart. It is not easy to imagine an harmonius partnership between them. Each is big enough to stand up itself. Perhaps they will agree to separate after a few years. Again there is the possibility that Moslem and Hindu Bengal may reunite to form a separate Bengali nation. The idea has been in the air for half a century and explains the vigour of Bengal's resistance to Lord Curzon's partition. Nevertheless it is doubtful whether there is much reason now to lament the partition of this province. Since the introduction of the Montagu reforms the Provincial Ministries in Bengal have been notoriously inefficient and unstable, internal feuds among the representatives of the Moslem majority being fomented by Hindu intrigues. A separation of Hindu and Moslem Bengal may produce a healthier political life. In the Punjab able Moslem Ministers had much success in getting the three communities to work together. But since the Moslem League extended its grip into the Punjab that has been no longer possible, and the Sikh and Hindu claim to partition was the inevitable result.

Most interesting is the future of the North-West Frontier Province, which is to be asked whether it will unite with Moslem India or with Hindustan. The province is too important strategically and too poor to stand by itself. It will probably excite the no doubt benevolent interest of Russia. Its inhabitants, Moslem Pathans, are inclined to regard their neighbours, the Moslem Punjabis, as their ancestral enemies. They may be expected to accept the rule of the ancient Sanskrit treatise on politics which declares: Your neighbour country your enemy, and your neighbour's neighbour ally. Accordingly the Pathan Moslem may decline to unite with the Punjab and prefer to federate with the more distant Hindustan, calculating that Hindustan will have more money to relieve his poverty and will be too far distant to enforce unpleasant measures of control. One other question one is tempted to raise. What kind of Constitution will the Constituent Assemblies give to the two Indias? Apparently they are to be on the British model. Will such Constitutions planted on Indian soil take root therein and produce Executive Governments strong enough to put through the vast and revolutionary measures of social, economic, and educational reform which are manifestly required in India?

17. Resolution of the Muslim League Council on the Partition Plan[1]

10 *June* 1947

The Council of the All-India Muslim League, after full deliberation and consideration of the statement of His Majesty's Government, dated June 3, 1947, laying down the plan of transfer of power to the peoples of India, notes with satisfaction that the Cabinet Mission's Plan of May 16, 1946 will not be proceeded

[1] *Dawn*, Delhi, 12 June 1947.

with and has been abandoned. The only course open is the partition of India as now proposed in HMG's statement of June 3.

The Council of the All-India Muslim League is of the opinion that the only solution of India's problem is to divide India into two--Pakistan and Hindustan. On that basis, the Council has given its most earnest attention and consideration to HMG's statement. The Council is of the opinion that, although it cannot agree to the partition of Bengal and the Punjab, or give its consent to such partition, it has to consider HMG's plan for the transfer of power as a whole.

The Council, therefore, hereby resolves to give full authority to the President of the All-India Muslim League, Quaid-i-Azam M.A. Jinnah to accept the fundamental principles of the plan as a compromise and to leave it to him, with full authority to work out all the details of the plan in an equitable and just manner with regard to carrying out the complete division of India on the basis and fundamental principles embodied in HMG's plan, including Defence, Finance and Communications, etc.

The Council further empowers the President, Quaid-i-Azam M.A. Jinnah to take all steps and decisions which may be necessary in connection with and relating to the plan.

18. Michael Edwardes on the Warlike Preparations of the Sikhs[1]

The Sikhs made no attempt to conceal their warlike preparations. Master Tara Singh, like some Old Testament prophet, was exhorting his followers to go out and smite the Amalekites, inflammatory leaflets were being distributed, and instructions sent to the various Sikh communities to prepare themselves for action. Trains were to be attacked, the headworks of canals dynamited, refugees ambushed, Muslims driven from their homes, and there was even a plot to assassinate Jinnah in Karachi on 14 August. This information came into Jenkins' possession from such Intelligence agents as were still operating, but it did not really need Intelligence agents to find out that the Sikhs were organizing themselves for battle. The author of this book was in the Punjab at the time, and, when he was passing through a village a few miles from Amritsar, he was actually invited to watch a body of about three hundred Sikhs drilling with rifles and tommy-guns. He was even asked to adjudicate at a hastily arranged rifle contest, in which the targets were dummies of Muslim men, women, and children. There would not be a Muslim throat or a Muslim maidenhead unripped in the Punjab, he was told, and he was left in little doubt of the men's willingness and ability to carry out the threat.

19. Abul Kalam Azad on Patel's Attitude to Pakistan[2]

Among Congressmen the greatest supporter of partition was Sardar Patel, but even he did not believe that partition was the best solution of the Indian

[1] *The Last Years of British India*, Cassell, London, 1963, p. 213.

[2] *India Wins Freedom: An Autobiographical Narrative*, Orient Longmans, Calcutta, 1959, p. 207.

problem. He threw his weight in favour of partition out of irritation and injured vanity. He found himself frustrated at every step by the veto on his proposals by Liaquat Ali Khan as Finance Minister. It was therefore in sheer anger that he decided that if there was no other alternative, partition should be accepted. He was also convinced that the new State of Pakistan was not viable and could not last. He thought that the acceptance of Pakistan would teach the Muslim League a bitter lesson. Pakistan would collapse in a short time and the provinces which had seceded from India would have to face untold difficulty and hardship.

20. Resolution of the All-India Congress Committee on the Partition Plan[1]

15 *June* 1947

The A.-I.C.C. has given careful consideration to the course of events since its last meeting in January last and, in particular, to the statements made on behalf of the British Government on February 20, 1947 and June 3, 1947. The Committee approves and endorses the resolutions passed by the Working Committee during this period.

The Committee welcomes the decision of the British Government to transfer power completely to the Indian people by next August.

The Congress accepted the British Cabinet Mission's statement of May 16, 1946, as well the subsequent interpretation thereof dated December 6, 1946, and has been acting in accordance with it in the Constituent Assembly which was constituted in terms of the Cabinet Mission's Plan. That Assembly has been functioning for over six months and has not only declared its objectives to be the establishment of an independent sovereign republic of India and a just social and economic order, but has also made considerable progress in framing the constitution for the free Indian Union on the basis of fundamental rights, guaranteeing freedom and equality of opportunity to all Indians.

In view, however, of the refusal of the Muslim League to accept the Plan of May 16, and to participate in the Constituent Assembly, and further in view of the policy of the Congress that "it cannot think in terms of compelling the people in any territorial unit to remain in an Indian Union against their declared and established will", the A.-I.C.C. accepts the proposals embodied in the announcement of June 3, which have laid down a procedure for ascertaining the will of the people concerned.

The Congress has consistently upheld that the unity of India must be maintained. Ever since its inception, more than 60 years ago, the National Congress has laboured for the realization of a free and united India, and millions of our people have suffered in this great cause. Not only the labour and sacrifices of the past two generations but the long course of India's history and tradition bear witness to this essential unity. Geography and the mountains and the seas fashioned India as she is, and no human agency can change that shape or come in the way of her final destiny. Economic circumstances and the insistent demands of international affairs make the unity of India still more necessary. The picture of India we

[1]Nripendra Nath Mitra (Ed.), *The Indian Annual Register*, January-June 1947, pp. 122-123.

have learnt to cherish will remain in our minds and hearts. The A.-I.C.C. earnestly trusts that when present passions have subsided, India's problems will be viewed in their proper perspective and the false doctrine of two nations in India will be discredited and discarded by all.

The proposals of June 3, 1947 are likely to lead to the seccession of some parts of the country from India. However much this may be regretted, the A.-I.C.C. accepts this possibility, in the circumstances now prevailing.

Though freedom is at hand, the times are difficult, and the situation in India demands vigilance and a united front of all those who care for the independence of India. At this time of crisis and change, when unpatriotic and anti-social forces are trying to injure the cause of India and her people, the A.-I.C.C. appeals to and demands of every Congressman and the people generally, to forget their petty differences and disputes and to stand by vigilant, disciplined and prepared to serve the cause of India's freedom and defend it with all their strength from all who may seek to do it injury.

21. Abul Kalam Azad on the A.-I.C.C. Resolution[1]

After the first day's debate, there was a very strong feeling against the [Congress] Working Committee's resolution. Neither Pandit Pant's persuasiveness nor Sardar Patel's eloquence had been able to persuade the people to accept this resolution. How could they, when it was in a sense the complete denial of all that Congress had said since its very inception? It therefore became necessary for Gandhiji to intervene in the debate. He appealed to the members to support the Congress Working Committee. He added that he had always opposed partition and no one could deny this fact. He felt however that a situation had now been created where there was no alternative. Political realism demanded the acceptance of the Mountbatten Plan and he would appeal to the members to accept the resolution moved by Pandit Pant.

When the resolution was put to vote, 29 voted for it and 15 against. Even Gandhiji's appeal could not persuade more members to vote for the partition of the country!

The resolution was no doubt passed, but what was the condition of the people's mind? All hearts were heavy at the idea of partition. Hardly anyone could accept the resolution without mental reservations. Even those who accepted partition had all their feelings against it. This was bad enough. What was worse was the kind of insidious communal propaganda which was gaining ground. It was being openly said in certain circles that the Hindus in Pakistan need have no fear as there would be 45 millions of Muslims in India and if there was any oppression of Hindus in Pakistan, the Muslims in India would have to bear the consequences.

In the meeting of the A.-I.C.C., the members from Sind opposed the resolution vehemently. They were given all kinds of assurances. Though not on the

[1]*India Wins Freedom: An Autobiographical Narrative*, Orient Longmans, Calcutta, 1959, pp. 197-198.

public platform, in private discussion they were even told by some people that if they suffered any disability or indignity in Pakistan, India would retaliate on the Muslims in India.

22. Chaudhri Muhammad Ali on Mountbatten's Desire to Become Governor-General of Both India and Pakistan[1]

I was made painfully aware of the intensity of Mountbatten's feeling when he one day burst into the room in the Viceroy's house where the Quaid-i-Azam was working on the Indian Independence Bill with Liaquat Ali Khan and me. He belaboured the Quaid-i-Azam with arguments and appeals and bluster. He maintained that the proposal for a common Governor-General was inspired by the highest motives and was in the best interests of Pakistan. Without him as common Governor-General, Pakistan would put itself at the gravest disadvantage. It was with the greatest difficulty that he was securing for Pakistan what was due to her and, unless it was known that he would continue in this position even after partition, his power to help Pakistan would rapidly diminish. The responsibility for the immeasurable loss to Pakistan would rest on the shoulders of Jinnah. He threatened to make all this public and let the world judge. He was sure that the verdict of history would uphold him and go against Jinnah. He said again and again that he was most surprised that the objection to his continuance as common Governor-General should have come from Pakistan and not from the Congress. Jinnah bore this onslaught with great dignity and patience; he answered that in coming to this decision he had not been moved by any personal considerations but had objectively taken only the interests of his people into account. He assured Mountbatten that he fully trusted his sincerity and impartiality, and reiterated his proposal for making Mountbatten super Governor-General. But hisp rotestations of faith in Mountbatten did nothing to assugage the latter's wounded vanity.

Ian Stephens, referring to the decision about the governor-generalship of Pakistan, wrote:

> Lord Mountbatten himself seemed personally riled by it. Those brought in touch with him would doubtless agree that his weakness—perhaps the only one—was a couriously sensitive kind of vanity. Murphy's biography confirms this. That someone of his superb gifts should have had such a characteristic is odd; but evidently it was so. And it seemed noticeable at an editors' conference arranged the afternoon before Mr. Jinnah's decision was announced. Several of us inferred that the decision had not merely caused him political worry, but had hurt him. Perhaps he had set his heart on becoming dual Governor-General; the rebuff knocked against his most vulnerable point, his pride.[2]

From this stage on there was a noticeable change in Mountbatten's attitude toward the problems of partition and toward Pakistan. Mountbatten had barely tolerated Jinnah in the past; now there was active hostility. Jinnah, for his part,

[1] *The Emergence of Pakistan*, Columbia University Press, New York, 1967, pp. 177-178.
[2] Ian Stephens, *Pakistan*, Ernest Benn, London, 1963, p. 176.

was still convinced of Mountbatten's essential fairness, and refused to see any change in him even when others pointed it out to him. The decision against a common Governor-General had far-reaching effects. The loss that Pakistan would incur in material assets was easy to foresee. But there were other intangible factors, such as the accession of the States, the Kashmir question, and the award of the Boundary Commission, in which the balance was tilted against Pakistan with far more momentous consequences.

23. Lord Ismay on the Division of the Indian Army[1]

The problem which caused many of us the greatest grief was the decision to divide the Indian Army on communal lines before Partition took place. Most of the regiments were of mixed composition, *i.e.* partly Mohammedan and partly Hindu, and no communal differences had hitherto disturbed their friendship or *esprit de corps*. Now these magnificent units were to be mutilated. I did my utmost to persuade Mr Jinnah to reconsider the decision. I suggested that both the new Governments would have special need of an instrument on which they could rely in the early days of their nationhood, and that the Indian Army as at present constituted was ideal for their purpose. I asked him to remember that an army was not merely a collection of men with rifles and bayonets and guns and tanks: it was a living entity, with one brain, one heart and one set of organs. The profession of arms was held in high honour, and the Indian soldier was, generally speaking, a dedicated man whose loyalty centred in his regiment. To break up these magnificent units before Partition was neither sensible nor necessary. Why not divide the Army on numerical lines in the first instance, India getting two-thirds, and Pakistan one-third? Later on, when things were more settled, it might be found expedient to transfer the Hindu element in the Pakistan Army to India, and *vice versa*. But Jinnah was adamant. He said that he would refuse to take over power on 15 August unless he had an army of appropriate strength and predominantly Moslem composition under his control. There was nothing for it but to prepare a scheme for the immediate partition of the armed forces; and this was done in record time...

24. C. R. Attlee on the Partition Scheme[2]

10 *July* 1947

There are hon. Members of this House, such as the noble Lord the Member for Horsham (Earl Winterton) and the hon. Member for Aylesbury (Sir S. Reed), whose connection with the Indian problem goes back far beyond mine. Some 20 years ago, I was first brought into contact with it by being placed on the Simon Commission, and I think they would agree with me that the major difficulty that has faced all of us in considering the best way of achieving Indian self-government

[1] *The Memoirs of Lord Ismay*, Heinemann, London, 1960, pp. 425-8.
[2] From his speech in the House of Commons, *Parliamentary Debates*, Fifth Series, Volume 439, cols. 2444-2445.

has been the absence of mutual trust and toleration between the communities. It has sometimes been said by our enemies that this was a difficulty created by ourselves in order to perpetuate our own rule. Nothing could be more untrue. This same difficulty, which faced Mr. Edwin Montagu and the Simon Commission, faced the President of the Board of Trade in his Mission and my three Cabinet colleagues in theirs, and it was still the outstanding difficulty of the present Viceroy when he took office. Everyone who has touched the Indian problem has been brought up against this stumbling-block. They have all wanted to maintain the unity of India, to give India complete self-government and to preserve the rights of minorities. Every one of them has hoped that a solution might be found without resorting to partition. I know that many Indians of all communities passionately desire this, but it has not been found to be practicable.

We and the Indian statesmen have had to accept the only alternative—partition. For myself, I earnestly hope that this severance may not endure, and that the two new Dominions which we now propose to set up may, in course of time, come together again to form one great member State of the British Commonwealth of Nations. But this is entirely a matter for the Indians themselves. The demand for self-government has been insistently pressed for many years by the leaders of political thought in India, and has been stimulated by the external situation, and particularly by those great waves of nationalist feeling that accompanied both the great wars. This demand is not peculiar to India, but has spread throughout Asia. It is the natural result of contact by dwellers in other continents with European political thought. The chief question has been as to how this desire could be gratified. Delay in granting it has always led to more and more extreme demands.

25. Lord Listowel on the Partition Scheme[1]

16 *July* 1947

When it became clear that the Cabinet Mission Plan for an Indian Union would never be accepted, and that there was no alternative form of common government to which Hindus and Moslems would consent, we had either to agree to implement their separation, or to remain indefinitely in control of India, until such time as the two communities had composed their differences and decided to live together. The deadlock between the two parties has, as all will recollect who have attended previous debates in your Lordships' House, always been a formidable obstacle in the path of constitutional advance. It is surely better that India should be divided by mutal consent, than that she should remain united against her will, and be thrown ultimately into the convulsions of civil strife, as the only possible means of securing the form of government her people desire. It is greatly to be hoped that, when the disadvantages of separation have become apparent in the light of experience, the two Dominions will freedly decide to reunite in a single Indian Dominion, which might achieve that position among the nations of the world to which its territories and resources would entitle.

[1]From speech in the House of Lords, as reproduced in Sir Maurice Gwyer and A. Appadorai, *Speeches and Documents on the Indian Constitution* 1921-47, Vol. II, Oxford University Press, London, 1957, pp. 686-87.

26. Khwaja Nazimuddin on East Pakistan Government's Attitude to the Minorities[1]

5 *August* 1947

On behalf of the Muslims of the Eastern Pakistan State, I can assure Dr. Ghosh and the members of the minority community living in the Eastern Pakistan State that *insha allah* (God willing) we will not only give them protection, but we shall be generous towards them and we shall make them feel that they are one of us.

I believe more in action than in words and I hope that by our deeds we will be able to prove to the world how we treat our minorities in the Eastern Pakistan State.

27. M. A. Jinnah on the Need to Bury the Past[2]

7 *August* 1947

I am grateful to all our friends and those who have sent me their kind messages of greetings and good wishes on the establishment of Pakistan.

I wish I could reply to every one of them individually. But having regard to the fact that I have received thousands of messages, I am unable to do so and hope that they will excuse me, as it was impossible to acknowledge every message separately owing to the enormous pressure of work that we had to meet with and give effect to the big issues involved in the division of India.

I bid farewell to the citizens of Delhi amongst whom I had many friends of all communities and I earnestly appeal to every one to live in this great and historic city with peace.

The past must be buried and let us start afresh as two independent sovereign States of Hindustan and Pakistan.

I wish Hindustan prosperity and peace.

28. Field Marshal Sir Claude Auchinleck on the Government of India's Attitude to Pakistan[3]

I have no hesitation whatever in affirming that the present India Cabinet are implacably determined to do all in their power to prevent the establishment of the Dominion of Pakistan on a firm basis. In this I am supported by the unanimous opinion of my senior officers, and indeed by all responsible British officers cognizant of the situation. No one was originally more strongly opposed to partition than myself, if only for military and strategical reasons, but since H.M.G. made their decision and I was entrusted with the task of dividing the former Indian Armed Forces between the two Dominions, I and my officers have worked whole-

[1] *The Civil & Military Gazette*, Lahore, 8 August 1947.

[2] *Ibid.*

[3] Extract from his report dated 28 September 1947, written for the British Prime Minister, the Chief of the Naval Staff, the C.I.G.S. and the Chief of the Air Staff, as reproduced in John Connell, *Auchinleck*, Cassell, London, 1959, pp. 920-921.

heartedly and impartially to effect this. There can be no question as to the truth of this statement.

Before the transfer of power on August 15 the representatives of the new India forbore to show their hand and displayed generally a spirit of reasonableness and an apparent desire to co-operate. The meetings of the Armed Forces Reconstitution Committee were conducted in an encouraging spirit of co-operation and of give and take.

Since August 15, however, the situation has steadily deteriorated and the Indian leaders, Cabinet Ministers, civil officials and others have persistently tried to obstruct the work of partition of the Armed Forces. I and my officers have been continuously and virulently accused of being pro-Pakistan and partial, whereas the truth is that we have merely tried to do our duty impartially and without fear, favour or affection. That we have done this is universally acknowledged by all fair-minded people. This campaign continues and grows stronger and more vicious every day. The Governor-General, Lord Mountbatten, is subjected to strong and unceasing pressure to abolish my Headquarters, so that the one impartial body remaining in the country shall be removed.

So open and obvious are these attacks that there is not one of the officers of Supreme Commander's H.Q., senior or junior, who is not imbued with the greatest disgust for and dislike of the creators of this state of affairs. It is probably fair to say that few, if any of them, would wish to take service under the India Government. They, like the majority of their countrymen, cannot give of their best unless they are trusted and respected for their good faith. The Governor-General has done his best to check this campaign but with little result. The authors of it are too strongly imbued with the implacable determination to remove anything which is likely to prevent their gaining their own ends, which are to prevent Pakistan receiving her just share, or indeed anything of the large stocks of reserve arms, equipment, stores, etc. held in the arsenals and depots in India. This is an open secret. This being so, it is becoming increasingly impossible for myself and my officers to continue with our task. If we are removed, there is no hope at all of any just division of assets in the shape of movable stores belonging to the former Indian Army.

29. Brigadier Desmond Young on the Mass Killing of Muslims[1]

If the Governments of India and Pakistan are to prosper or even to survive they must find means of working amicably together. This is so obvious to anyone who looks at a map, and the alternatives are so clearly chaos, civil war and probably foreign invasion, that many well-disposed observers in this country regard real agreement on defence, finance, tariffs, etc. as only a question of time. Readiness to compromise is not, however, an Indian characteristic, and no such easy confidence is evident on the spot. Government of India spokesmen, in statements beamed to overseas audiences, maintain that everything will come right in due course—given goodwill on the other side. In Pakistan even educated and moderate Muslims doubt

[1]"Suspicion in Pakistan", *The Spectator*, London, 5 December 1947, pp. 702-703.

not only the accuracy but the honesty of these predictions. Almost to a man they sincerely believe that the Hindu leaders, though they were obliged to accept partition in order to get rid of the British, have not, and never have had, any intention of allowing it to work.

The short-term plan, they say, is so to embarrass the Government of Pakistan as to prevent it functioning from the start; the long-term plan to reabsorb, by force if necessary, its territory into the Hindu *Raj*. The methods hitherto adopted, they allege, have been to burn or cause to be burnt the special trains carrying essential files and records from Delhi to Karachi; to quibble to the utmost over the division of assets; to delay deliveries of military equipment assigned to Pakistan; to interfere with and impede Pakistan mails, telegrams and money transfers; to withdraw Hindu and Sikh personnel from Pakistan banks and business houses, and, above all, to make it impossible for Muslims to live and work in the East Punjab or Delhi, thus flooding Pakistan with a mass of refugees which she cannot absorb and creating a homeless, penniless body of malcontents whose hatred of Hindus and Sikhs may well turn into hostility towards a Government which is unable to provide for them. Though the Punjab and Delhi have been the main storm centres up to now, they expect similar tactics to be adopted before long in the United Provinces and everywhere else where there is a Muslim minority. Meanwhile every opportunity is being taken, they say, as in Kashmir and Junagadh, to involve Pakistan in a cold war which may develop into a shooting war before she has time to organise her army.

These charges are made in an atmosphere of hatred and suspicion which has to be experienced to be believed. Such is the bitterness that even to question the 'game-book' figures of murdered Muslims is considered an act of treachery. For suggesting, from personal observation, that the figure of 10,000 dead in Delhi in September was an exaggeration, and that the killed did not exceed 2,000, I almost lost my reputation for impartiality and was suspected in Karachi of having been 'got at' or hoodwinked by the other side. Whether the Muslim case is founded on fact or fanaticism or a mixture of both, that goodwill and confidence between the two Governments are completely lacking is proved by the refusal of the Supreme Commander, Field Marshal Sir Claude Auchinleck, to carry on any longer in their absence. A situation of which he despairs is desperate indeed, for no British official in the last hundred years has known the country better or given himself more unsparingly to the service of her peoples.

My own view is that, if bitter feeling exists among Muslims, it is not surprising. Every refugee from the Punjab or Delhi has his own atrocity story, but none could be more horrifying than those of impartial eye witnesses. I travelled home with a British staff officer who had himself taken out of a train a few miles from Amritsar Station, counted and buried with bulldozers 2,700 Muslim men, women and children killed by Sikhs. Other British officers of the Boundary Force, infantrymen who fought all the way from Keren through the Western Desert to Cassino and beyond, have told me that the three weeks from August 15th in the Punjab were worse than anything we experienced in war. They blamed the Sikhs most. I myself saw something of what was done by Sikhs in Delhi. Coming on

top of the appalling massacres in Bihar, where whole Muslim communities were pitilessly done to death, this recent butchery would have embittered even a less militant race.

Nor is it any answer to say that Muslims have been guilty of equally horrible atrocities upon Sikh and Hindu refugees from the Western Punjab. So they have; but to my mind there is no doubt who started the mass killings or who committed most of them. I was in Lahore in January and February when the Muslim League launched its civil disobedience movement against the Khizar Ministry of the Punjab. Whatever may be said of this means of drawing attention to one's grievances, it is not for the Congress, the inventors and prime exponents of the method, to decry it. If resort to it is ever justified, it was justified on this occasion. The strongest single party in the Legislature, the Muslim League, was not only denied the opportunity of forming a Government, but was prevented from stating its case in the Assembly (summoned only to pass the Budget), and from holding public meetings outside.

Greatly to its credit, it succeeded in keeping the movement completely "non-violent" until the ministry fell. It was then invited to take office, and the Sikhs were offered seats in a coalition cabinet. Suported by the Congress Hindus, they refused all co-operation with the Muslim League, and Master Tara Singh, their leader, made a speech in which he openly talked of reconquering the Punjab with the sword. Communal tension increased; rioting started in Amritsar and Lahore, and the train was thus laid which led to the great explosion in August. It is undeniable that from the day of Master Tara Singh's speech, if not before, the Sikhs began their preparations. In making them they had the covert assistance of the rulers of some at least of the Sikh States, who supplied them with arms. It is equally certain that the massacre of Muslims in Delhi in September was the result of a carefully organised Sikh conspiracy, and was not, as the Hindu Press tried to make out, a spontaneous act of revenge by Sikh refugees from the Western Punjab. Refugees do not carry Sten guns. If the Government of India was not aware of what was being hatched it must have been very badly served. If the Sikhs in Delhi have since been disarmed, there was no sign of it when I left India.

As to the other Muslim charges, it is a fact that special trains were burnt as soon as the service started; British officials engaged in the negotiations between the two Governments confirm that the *bania* (money-lender) attitude of the Indian representatives was most marked; military equipment has not been handed over, though this may have been unavoidable; letters, telegrams and money-orders for Muslims in India have not been delivered; Pakistan has been flooded with refugees and, in spite of the assurances of Pandit Nehru and the entreaties of Mr. Gandhi, it would be a bold Muslim who would sleep quietly in his bed in Delhi today. At the same time there has been a huge and quite unnecessary exodus of Hindus and Sikhs from Karachi, where all is quiet, with consequent dislocation of business, and many of those leaving the place have admitted that *hookum hai* (it is an order). There is thus some substance in the Muslim case.

On the top of all this it was not reassuring to hear Pandit Nehru denouncing foreign correspondents for reporting what they saw in the Punjab or Mr. Patel

ending an appeal for communal tolerance with the announcement that they would know how to deal with the enemy when the time came. Meanwhile, for suppression of news, distortion of facts and provocative writing the Hindu Press has shown that it has nothing to learn from the worst of the Muslim vernacular papers and has surpassed even its performances against the British. As a result the hatred of Hindus for Muslims is just as great as that of Muslims for Hindus or Sikhs. For their part the Sikhs talk openly of conquering Delhi as well as the Punjab, and the Hindus may yet find that they have let loose forces which they cannot control. Through the premature partition of the Indian Army the one unifying and disciplined element in the country has disappeared and with it the greatest safeguard against civil war. That either side would deliberately embark upon it at present is unlikely. Pakistan is certainly in no state to do so. But that the country may drift into it, declared or undeclared, is only too possible if emotional tension is not relaxed, if Pakistan encourages the tribesmen or India the Sikhs and if the political leaders of the Indian Union cannot bring themselves to accept, without mental reservations, the separate existence of Pakistan. It is to be hoped that the talks now in progress in Delhi will end in something more than talk.

VI. RADCLIFFE'S BOUNDARY AWARDS

Introductory Note: The Provinces of Bengal and the Punjab had been divided provisionally between Pakistan and residuary India on the basis of Muslim and non-Muslim majority districts. In the Province of Assam, it was decided that a referendum would be held in the district of Sylhet to determine whether it should become part of Pakistan or of India. The final boundaries of Bengal and Assam (in case the referendum in Sylhet went in favour of Pakistan) and the Punjab were to be determined by two Boundary Commissions, on which the Muslim League and the Congress had each nominated two judges. Sir Cyril Radcliffe, a member of the British Privy Council, was appointed Chairman of both the Commissions.

The terms of reference of either Commission were to demarcate the boundaries "on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. In doing so, it will also take into account other factors".

It was agreed in advance that in case the Muslim League and Congress nominees could not come to agreed decisions, the awards of the Chairman would become the awards of the Commissions and would be accepted by both parties.

In Bengal, Radcliffe transferred to Pakistan two non-Muslim majority districts. One of these, the Chittagong Hill Tracts, was very sparsely populated, its total population being 247,053, of which 94.5% were tribes, 3% Muslims and 2.5% Hindus and others, while the other, Khulna, was almost equally divided between Muslims and non-Muslims (Muslims 49.36%, non-Muslims 50.64%). Radcliffe also transferred to Pakistan three Muslim majority and two non-Muslim majority police stations of the non-Muslim majority district of Jalpaiguri. In contrast, Radcliffe transferred to India a whole Muslim majority district of Murshidabad (Muslim majority 56.6%), about two-thirds of the Muslim majority districts of Malda (Muslim majority 56.2%) and Nadia (Muslim majority 61.4%) and about one half of the Muslim majority district of Dinajpur (Muslim majority 50.2%). Radcliffe also transferred to India two Muslim majority police stations

of the Muslim majority district of Jessore and four police stations of the district of Sylhet. Besides, even though it was provided in the terms of reference that in case the referendum in Sylhet went in favour of Pakistan, Muslim majority areas of "the adjoining districts of Assam" will be awarded to Pakistan, Radcliffe did not transfer to Pakistan even an inch of such areas, although there were a number of such areas.

In the Punjab, of the Muslim majority district of Gurdaspur, Radcliffe transferred to India not only the one non-Muslim majority tehsil (sub-district) of Pathankot, but also its two Muslim majority tehsils, Gurdaspur (Muslim majority 52.1%) and Batala (Muslim majority 55.1%). The award in this district also made it possible for the Muslim majority princely State of Kashmir, whose ruler was a non-Muslim, to accede to India.

Radcliffe also transferred to India a portion of the Muslim majority tehsil of Kasur (Muslim majority 57.2%) of the Muslim majority district of Lahore.

In contrast, Radcliffe did not transfer to Pakistan any portion of the border non-Muslim majority districts, although in Ferozepore, two tehsils, Zira and Ferozepore (Muslim majority 65.6% and 55.2% respectively), in Amritsar, Ajnala tehsil (Muslim majority 59.4%), and in Jullundur, Nakodar and Jullundur tehsils (Muslim majority 59.4% and 51.1% respectively) were contiguous to the Muslim majority Punjab. By not awarding these Muslim majority tehsils to Pakistan, Radcliffe completely cut off from the Muslim majority Punjab the Muslim majority princely State of Kapurthala which also had a non-Muslim ruler.

1. Terms of Reference for the Boundary Commissions

For Bengal:

The Boundary Commission is instructed to demarcate the boundaries of the two parts of Bengal on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. In doing so, it will also take into account other factors.

In the event of the referendum in the district of Sylhet resulting in favour of amalgamation with Eastern Bengal, the Boundary Commission will also demarcate the Muslim majority areas of Sylhet district and the contiguous Muslim majority areas of the adjoining districts of Assam.[1]

For the Punjab:

The Boundary Commission is instructed to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. In doing so, it will also take into account other factors.[2]

[1]Reports of the Members and Awards of the Chairman of the Boundary Commissions, Superintendent, Government Printing, West Bengal Government Press, Alipore, 1950, p. 153.
[2]*Ibid.*, p. 303.

2. Master Tara Singh Suggests the River Chenab as the Boundary Line in the Punjab[1]

3 *June* 1947

The British Government's plan is unsatisfactory and disappointing. Even His Excellency the Viceroy, in his broadcast, has felt obliged to admit that the solidarity of the Sikhs will be impaired. No doubt there is the saving feature that the plan has conceded the principle of partition of the Punjab, but the whole thing depends on the terms of reference of the Boundary Commission.

Again, there is a total lack of any definite provision for giving the Sikhs any power or status anywhere, or for safeguarding their position and interests.

I must make it clear that ultimate acceptance or rejection of the plan by the Sikhs depends a good deal on the terms of reference of the Boundary Commission. The Sikhs and Punjab Hindus cannot be satisfied unless the dividing line is River Chenab. We will continue our struggle till our objective is achieved.

For the Sikhs the question is not merely of political power but that of their very existence. I am sure the Khalsa will soon realise the gravity of the situation and will prove to the world that the spirit of Guru Gobind Singh still lives in him.

3. R. A. Butler on the Work of the Boundary Commission[2]

It is always said that the most remarkable frontier affecting the British Commonwealth is that between the United States and Canada, where one can see no guard and where there are miles and miles of friendly contact. Those of us who know some of the difficulties and sorrows of the partitions that are taking place, and in particular those in the Punjab, will realise that it is too much to hope that there will be no unfriendly gestures, or no unfortunate skirmishing. But let us at least hope that, thanks to the Dominion relationship that will prevail between these two new Dominions, frontiers may be set up and observed which, in time, may be regarded as just as friendly as the famous frontier to which I have drawn the attention of the House. But we must remember that in the partition of the Punjab, which is the second partition, apart from the partition of India itself, we have left the Sikh community, to whom the right hon. and learned Gentleman made reference, almost exactly divided as between one side of the frontier and another.

It is to be hoped that the Boundary Commission, on which the most serious responsibility will fall, will be able so to arrange the boundary that shrines and properties, and other things held dear to the Sikhs, my be amassed, so far as possible, in one area, provided that no violence is done to a proper division between Muslim and non-Muslim areas. In the same way, it is hoped that the partition of Bengal will so take place that the industrial welfare of the Eastern portion

[1] *The Civil & Military Gazette*, Lahore, 5 June, 1947.

[2] From speech in the House of Commons on 15 July 1947, *Parliamentary Debates*, Fifth Series, Volume 440, Cols. 236-237.

may not be prejudiced and that access may be had to the sea through the port of Calcutta in some satisfactory manner.

4. Giani Kartar Singh on the Sikhs' Condition for Accepting Partition[1]

19 *July* 1947

It is entirely wrong and against the facts that the Sikhs have also accepted the June 3 Plan in an unquestionable manner. The Sikhs have not accepted the Plan as such. The Sikhs' position is that they do not agree to a partition that does not maintain the solidarity of their population in the East Punjab and does not consolidate their shrines in East Punjab....

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The Britishers have yet a part to play. And I hope this time they will play it fair. They committed the worst treachery in the world history when they swallowed the Punjab as guardians of the minor Sikh Maharaja. They let down the Sikhs badly in 1919, in the Morley-Chelmsford [Montagu-Chelmsford (?)] reforms. They repeated the same policy at the time of the communal award in 1935. They again badly treated the Sikhs in the Cabinet delegation plan of May 1946. Yet again, they have left the Sikhs in the lurch when they have given sovereign states to Hindus and Muslims in the June 3 Plan. Now Sikhs ask for this only, that their integrity and solidarity should be maintained and the sacred shrines saved from Pakistan. This will be the last time in the history of Anglo-Sikh relations when the British will have to play a role. Should the Sikhs expect that it will be fairly played? It will be for Sir Cyril Radcliffe to reply. I need only hope that the British will not leave behind a record which the Sikh posterity may recollect with bitterness. I appeal to the British conscience of Sir Cyril Radcliffe to do justice to the Sikhs.

5. Arthur Henderson on the Importance of 'Other Factors'[2]

The terms of reference of the Boundary Commission instruct it to demarcate the boundaries in question on the basis of ascertaining contiguous majority areas of Moslems and non-Moslems, but state that in doing so the Commission will also take into account other factors. As I emphasised in my speech in Committee on Clause 3 of the Indian Independence Act, it is entirely for the Commission itself to decide what these other factors are and how much importance should be attached to all or any of them. The location of the shrines of any community is therefore one of the factors which may receive consideration if the Boundary Commission so decides.

[1] *The Pakistan Times*, Lahore, 22 July 1947.
[2] Reply to question asked by Mr. Linstead in the House of Commons on 30 July 1947, *Parliamentary Debates*, Fifth Series, Volume 441, col. 60.

6. Sir Cyril Radcliffe's Boundary Awards

Bengal[1]

7. The question of drawing a satisfactory boundary line under our terms of reference between East and West Bengal was one to which the parties concerned propounded the most diverse solutions. The Province offers few, if any, satisfactory natural boundaries, and its development has been on lines that do not well accord with a division by contiguous majority areas of Muslim and non-Muslim majorities.

8. In my view, the demarcation of a boundary line between East and West Bengal depended on the answers to be given to certain basic questions which may be stated as follows:

(1) To which State was the City of Calcutta to be assigned, or was it possible to adopt any method of dividing the City between the two States?

(2) If the City of Calcutta must be assigned as a whole to one or other of the States, what were its indispensable claims to the control of territory, such as all or part of the Nadia river system or the Kulti rivers, upon which the life of Calcutta as a city and port depended?

(3) Could the attractions of the Ganges-Padma-Madhumati river line displace the strong claims of the heavy concentration of Muslim majorities in the districts of Jessore and Nadia without doing too great a violence to the principle of our terms of reference?

(4) Could the district of Khulna usefully be held by a State different from that which held the district of Jessore?

(5) Was it right to assign to Eastern Bengal the considerable block of non-Muslim majorities in the districts of Malda and Dinajpur?

(6) Which State's claim ought to prevail in respect of the districts of Darjeeling and Jalpaiguri, in which the Muslim population amounted to 2.42 per cent of the whole in the case of Darjeeling and to 23.08 per cent of the whole in the case of Jalpaiguri, but which constituted an area not in any natural sense contiguous to another non-Muslim area of Bengal?

(7) To which State should the Chittagong Hill Tracts be assigned, an area in which the Muslim population was only 3 per cent of the whole, but which it was difficult to assign to a State different from that which controlled the district of Chittagong itself?

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10. . . . The demarcation of the boundary line is described in detail in the schedule which forms Annexure A to this award. . .

11. I have done what I can in drawing the line to eliminate any avoidable cutting of railway communications and of river systems, which are of importance

[1] *Reports of the Members and Awards of the Chairman of the Boundary Commissions*, Superintendent, Government Printing, West Bengal Government Press, Alipore, 1950, pp. 116-120.

to the life of the Province: but it is quite impossible to draw a boundary under our terms of reference without causing some interruption of this sort, and I can only express the hope that arrangements can be made and maintained between the two States that will minimize the consequences of this interruption as far as possible.

New Delhi,
The 12th August, 1947.

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The Schedule—Annexure A

1. A line shall be drawn along the boundary between the thana of Phansidewa in the district of Darjeeling and the thana Tetulia in the district of Jalpaiguri from the point where that boundary meets the Province of Bihar and then along the boundary between the thanas of Tetulia and Rajganj; the thanas of Pachagar and Rajganj, and the thanas of Pachagar and Jalpaiguri, and shall then continue along the northern corner of the thana Debiganj to the boundary of the State of Cooch Behar. The district of Darjeeling and so much of the district of Jalpaiguri as lies north of this line shall belong to West Bengal, but the thana of Patgram and any other portion of Jalpaiguri district which lies to the east or south shall belong to East Bengal.

2. A line shall then be drawn from the point where the boundary between the thanas of Haripur and Raiganj in the district of Dinajpur meets the border of the Province of Bihar to the point where the boundary between the districts of 24-Parganas and Khulna meets the Bay of Bengal. This line shall follow the course indicated in the following paragraphs. So much of the Province of Bengal as lies to the west of it shall belong to West Bengal. Subject to what has been provided in paragraph 1 above with regard to the districts of Darjeeling and Jalpaiguri, the remainder of the Province of Bengal shall belong to East Bengal.

3. The line shall run along the boundary between the following thanas:

Haripur and Raiganj; Haripur and Hemtabad; Ranisankail and Hemtabad; Pirganj and Hemtabad; Pirganj and Kaliganj; Bochaganj and Kaliganj; Biral and Kaliganj; Biral and Kushmundi; Biral and Gangarampur; Dinajpur and Gangarampur; Dinajpur and Kumarganj; Chirirbandar and Kumarganj; Phulbari and Kumarganj; Phulbari and Balurghat.

It shall terminate at the point where the boundary between Phulbari and Balurghat meets the north-south line of the Bengal-Assam Railway in the eastern corner of the thana of Balurghat. The line shall turn down the western edge of the railway lands belonging to that railway and follow that edge until it meets the boundary between the thanas of Balurghat and Panchbibi.

4. From that point the line shall run along the boundary between the following thanas:

Balurghat and Panchbibi; Balurghat and Joypurhat; Balurghat and

Dhamairhat; Tapan and Dhamairhat; Tapan and Patnitala; Tapan and Porsha; Bamangola and Porsha; Habibpur and Porsha; Habibpur and Gomastapur; Habibpur and Bholahat; Malda and Bholahat; English Bazar and Bholahat; English Bazar and Shibganj; Kaliachak and Shibganj; to the point where the boundary between the two last mentioned thanas meets the boundary between the districts of Malda and Murshidabad on the river Ganges.

5. The line shall then turn south-east down the river Ganges along the boundary between the districts of Malda and Murshidabad; Rajshahi and Murshidabad; Rajshahi and Nadia; to the point in the north-western corner of the district of Nadia where the channel of the river Mathabanga takes off from the river Ganges. The district boundaries, and not the actual course of the river Ganges, shall constitute the boundary between East and West Bengal.

6. From the point on the river Ganges where the channel of the river Mathabanga takes off, the line shall run along that channel to the northern-most point where it meets the boundary between the thanas of Daulatpur and Karimpur. The middle line of the main channel shall constitute the actual boundary.

7. From this point the boundary between East and West Bengal shall run along the boundaries between the thanas of Daulatpur and Karimpur; Gangani and Karimpur; Meherpur and Karimpur; Meherpur and Tehatta; Meherpur and Chapra; Damurhuda and Chapra; Damurhuda and Krishnaganj; Chuadanga and Krishnaganj; Jibannagar and Krishnaganj; Jibannagar and Hanskhali; Maheshpur and Hanskhali; Maheshpur and Ranaghat; Maheshpur and Bongaon; Jhikargacha and Bongaon; Sarsa and Bongaon; Sarsa and Gaighata; Gaighata and Kalaroa; to the point where the boundary between these thanas meets the boundary between the districts of Khulna and 24-Parganas.

8. The line shall then run southwards along the boundary between the districts of Khulna and 24-Parganas, to the point where the boundary meets the Bay of Bengal.

Sylhet[1]

5. There was an initial difference of opinion as to the scope of the reference entrusted to the Commission. Two of my colleagues took the view that the Commission had been given authority to detach from Assam and to attach to East Bengal any Muslim majority areas of any part of Assam that could be described as contiguous to East Bengal, since they construed the words "the adjoining districts of Assam" as meaning any districts of Assam that adjoined East Bengal. The other two of my colleagues took the view that the Commission's power of detaching areas from Assam and transferring them to East Bengal was limited to the district of Sylhet and contiguous Muslim majority areas (if any) of other districts of Assam that adjoined Sylhet. The difference of opinion was referred to me for my casting vote, and I took the view that the more limited construction of

[1] *Ibid.*, pp. 153-155.

of our terms of reference was the correct one and that the "adjoining districts of Assam" did not extend to other districts of Assam than those that adjoined Sylhet. The Commission accordingly proceeded with its work on this basis.

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9. In my view the question is limited to the districts of Sylhet and Cachar, since of the other districts of Assam that can be said to adjoin Sylhet neither the Garo Hills nor the Khasi and Jaintia Hills nor the Lushai Hills have anything approaching a Muslim majority of population in respect of which a claim could be made.

10. Out of 35 thanas in Sylhet, eight have non-Muslim majorities; but of these eight, two—Sulla and Ajmiriganj (which is in any event divided almost evenly between Muslims and non-Muslims), are entirely surrounded by preponderantly Muslim areas, and must therefore go with them to East Bengal. The other six thanas comprising a population of over 530,000 people stretch in a contiguous line along part of the southern border of Sylhet district. They are divided between two sub-divisions, of which one, South Sylhet, comprising a population of over 515,000 people, has in fact a non-Muslim majority of some 40,000; while the other, Karimganj, with a population of over 568,000 people, has a Muslim majority that is a little larger.

11. With regard to the district of Cachar, one thana, Hailakandi, has a Muslim majority and is contiguous to the Muslim thanas of Badarpur and Karimganj in the district of Sylhet. This thana forms, with the thana of Katlichara immediately to its south, the sub-division of Hailakandi, and in the sub-division as a whole Muslims enjoy a very small majority being 51 per cent of the total population. I think that the dependence of Katlichara on Hailakandi for normal communications makes it important that the area should be under one jurisdiction, and that the Muslims would have at any rate a strong presumptive claim for the transfer of the sub-division of Halakandi, comprising a population of 166,536, from the Province of Assam to the Province of East Bengal.

12. But a study of the map shows, in my judgment, that a division on these lines would present problems of administration that might gravely affect the future welfare and happiness of the whole district. not only would the six non-Muslim thanas of Sylhet be completely divorced from the rest of Assam if the Muslim claim to Hailakandi were recognised, but they form a strip running east and west whereas the natural division of the land is north and south and they effect an awkward severance of the railway line through Sylhet, so that, for instance, the junction for the town of Sylhet itself, the capital of the district would lie in Assam, not in East Bengal.

13. In those circumstances I think that some exchange of territories must be effected if a workable division is to result. Some of the non-Muslim thanas must go to East Bengal and some Muslim territory and Hailakandi must be retained by Assam. Accordingly I decide and award as follows:

A line shall be drawn from the point where the boundary between the thanas of Patharkandi and Kulaura meets the frontier of Tripura State and shall

run north along the boundary between those thanas, then along the boundary between the thanas of Patharkandi and Barlekha, then along the boundary between the thanas of Karimganj and Barlekha, and then along the boundary between the thanas of Karimganj and Beani Bazar to the point were that boundary meets the river Kusiyara. The line shall then turn to the east taking the river Kusiyara as the boundary and run to the point where that river meets the boundary between the districts of Sylhet and Cachar. The centre line of the main stream or channel shall constitute the boundary. So much of the district of Sylhet as lies to the west and north of this line shall be detached from the Province of Assam and transferred to the Province of East Bengal. No other part of the Province of Assam shall be transferred.

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New Delhi,
The 13th August, 1947.

Punjab[1]

6. ...when it came to the extensive but disputed areas in which the boundary must be drawn, differences of opinion as to the significance of the term "other factors", which we were directed by our terms of reference to take into account, and as to the weight and value to be attached to those factors, made it impossible to arrive at any agreed line. In those circumstances my colleagues, at the close of our discussions, assented to the conclusion that I must proceed to give my own decision.

7. This I now proceed to do. The demarcation of the boundary line is described in detail in the schedule which forms Annexure A to this award, and in the map attached thereto, Annexure B[2]. The map is annexed for purposes of illustration, and if there should be any divergence between the boundary as described in Annexure A and as delineated on the map in Annexure B, the description in Annexure A is to prevail.

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9. The task of delimiting a boundary in the Punjab is a difficult one. The claims of the respective parties ranged over a wide field of territory, but in my judgment the truly debatable ground in the end proved to lie in and around the area between the Beas and Sutlej rivers on the one hand and the river Ravi on the other. The fixing of a boundary in this area was further complicated by the existence of canal systems, so vital to the life of the Punjab but developed only under the conception of a sinlge administration, and of systems of road and rail communication, which have been planned in the same way. There was also the stubborn geographical fact of the respective situations of Lahore and Amritsar, and the claims to each or both of those cities which each side vigorously maintained.

[1]Ibid., pp. 303-307.
[2]Not printed.

After weighing to the best of my ability such other factors as appeared to me relevant as affecting the fundamental basis of contiguous majority areas, I have come to the decision set out in the Schedule which thus becomes the award of the Commission. I am conscious that there are legitimate criticisms to be made of it; as there are, I think, of any other line that might be chosen.

10. I have hetsitated long over those not inconsiderable areas east of the Sutlej River and in the angle of the Beas and Sutlej Rivers in which Muslim majorities are found. But on the whole I have come to the conclusion that it would be in the true interests of neither State to extend the territories of the West Punjab to a strip on the far side of theS utlej and that there are factors such as the disruption of railway communications and water systems that ought in this instance to displace the primary claims of contiguous majorities. But I must call attention to the fact that the Dipalpur Canal, which serves areas in the West Punjab, takes off from the Ferozepore headworks and I find it difficult to envisage a satisfactory demarcation of boundary at this point that is not accompanied by some arrangement for joint control of the intake of the different canals dependent on these headworks.

11. I have not found it possible to preserve undivided the irrigation system of the Upper Bari Doab Canal, which extends from Madhopur in the Pathankot Tehsil to the western border of the district of Lahore, although I have made small adjustments of the Lahore-Amritsar district boundary to mitigate some of the consequences of this severance; nor can I see any means of preserving under one territorial jurisdiction the Mandi Hydro-electric Scheme which supplies power in the districts of Kangra, Gurdaspur, Amritsar, Lahore, Jullundur, Ludhiana, Ferozepore, Sheikhpura and Lyallpur. I think it only right to express the hope that, where the drawing of a boundary line cannot avoid disrupting such unitary services as canal irrigation, railways, and electric power transmission, a solution may be found by agreement between the two States for some joint control of what has hitherto been a valuable common service.

12. I am conscious too that the award cannot go far towards satisfying sentiments and aspirations deeply held on either side but directly in conflict as to their bearing on the placing of the boundary. If means are to be found to gratify to the full those sentiments and aspirations, I think that they must be found in political arrangements with which I am not concerned, and not in the decision of a boundary line drawn under the terms of reference of this Commission.

New Delhi,
The 12th August, 1947.

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The Schedule—Annexure A

1. The boundary between the East and West Punjab shall commence on the north at the point where the west branch of the Ujh river enters the Punjab Province from the State of Kashmir. The boundary shall follow the line of that river down the western boundary of the Pathankot Tehsil to the point where the

Pathankot, Shakargarh and Gurdaspur tehsils meet. The tehsil boundary and not the actual course of the Ujh river shall constitute the boundary between the East and West Punjab.

2. From the point of meeting of the three tehsils above mentioned, the boundary between the East and West Punjab shall follow the line of the Ujh river to its junction with the river Ravi and thereafter the line of the river Ravi along the boundary between the tehsils of Gurdaspur and Shakargarh, the boundary between the tehsils of Batala and Shakargarh, the boundary between the tehsils of Batala and Narowal, the boundary between the tehsils of Ajnala and Narowal, and the boundary between the tehsils of Ajnala and Shadara, to the point on the river Ravi where the district of Amritsar is divided from the district of Lahore. The tehsil boundaries referred to, and not the actual course of the river Ujh or the river Ravi, shall constitute the boundary between the East and West Punjab.

3. From the point on the river Ravi where the district of Amritsar is divided from the district of Lahore, the boundary between the East and West Punjab shall turn southwards following the boundary between the tehsils of Ajnala and Lahore and then the tehsils of Tarn Taran and Lahore, to the point where the tehsils of Kasur, Lahore and Tarn Taràn meet. The line will then turn south-westward along the boundary between the tehsils of Lahore and Kasur to the point where that boundary meets the north-east corner of village Theh Jharolian. It will then run along the eastern boundary of that village to its junction with village Chatianwala, turn along the northern boundary of that village, and then run down its eastern boundary to its junction with village Waigal. It will then run along the eastern boundary of village Waigal to its junction with village Kalia, and then along the southern boundary of village Waigal to its junction with village Panhuwan. The line will then run down the eastern boundary of village Panhuwan to its junction with village Gaddoke. The line will then run down the eastern border of village Gaddoke to its junction with village Nurwala. It will then turn along the southern boundary of village Gaddoke to its junction with village Katluni Kalan. The line will then run down the eastern boundary of village Katluni Kalan to its junction with villages Kals and Mastgarh. It will then run along the southern boundary of village Katluni Kalan to the north-west corner of village Kals. It will then run along the western boundary of village Kals to its junction with village Khem Karan. The line will then run along the western and southern boundaries of village Khem Karan to its junction with village Maewala. It will then run down the western and southern boundaries of village Maewala, proceeding eastward along the boundaries between village Mahaidepur on the north and villages Sheikhupura, Kuhna, Kamapuran, Fatehwala and Mahewala. The line will then turn northward along the western boundary of village Sahjra to its junction with villages Mahaidepur and Machhike. It will then turn north-eastward along the boundaries between villages Machhike and Sahjra and then proceed along the boundary between villages Rattoke and Sahjra to the junction between villages Rattoke, Sahjra and Mabbuke. The line will then run north-east between the villages Rattoke and Mabbuke to the junction of villages Rattoke, Mabbuke and

Gajjal. From that point the line will run along the boundary between villages Mabbuke and Gajjal, and then turn south along the eastern boundary of village Mabbuke to its junction with village Nagar Aimanpur. It will then turn along the north-eastern boundary of village Nagar Aimanpur, and run along its eastern boundary to its junction with village Masteke. From there it will run along the eastern boundary of village Masteke to where it meets the boundary between the tehsils of Kasur and Ferozepore.

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4. The line will then run in a south-westernly direction down the Sutlej River on the boundary between the districts of Lahore and Ferozepore to the point where the districts of Ferozepore, Lahore and Montgomery meet. It will continue along the boundary between the districts of Ferozepore and Montgomery to the point where this boundary meets the border of Bahawalpur State. The district boundaries, and not the actual course of the Sutlej River, shall in each case constitute the boundary between the East and West Punjab.

5. It is my intention that this boundary line should ensure that the canal headworks at Sulemanke will fall within the territorial jurisdiction of the West Punjab. If the existing delimitation of boundaries of Montgomery District does not ensure this, I award to the West Punjab so much of the territory concerned as covers the Headworks, and the boundary shall be adjusted accordingly.

6. So much of the Punjab Province as lies to the west of the line demarcated in the preceding paragraphs shall be the territory of the West Punjab. So much of the territory of the Punjab Province as lies to the east of that line shall be the territory of the East Punjab.

7. Dewan Bahadur S. P. Singha on Radcliffe's Boundary Award[1]

It is a one-sided award, and most unfair to Pakistan. The principles of the contiguity of majority areas have been completely overlooked.

8. Abdur Rab Nishtar on Radcliffe's Boundary Award[2]

It is extremely unfair and unjust to Pakistan and is based on no principles. We believe it is a parting kick of the British.

9. Hasan Ispahani on Radcliffe's Boundary Award[3]

The award is abominable. It violates the fundamental and accepted princi-

[1] *The Times*, London, 18 August 1947.
[2] *The Statesman*, Calcutta, 19 August 1947.
[3] *Ibid.*

ples of contiguous majority areas. It is devoid of justice and Muslims have been the sufferers.

10. M.A. Jinnah on Radcliffe's Boundary Award[1]

The division of India is now finally and irrevocably effected. No doubt, we feel that the carving out of this great independent, sovereign Muslim State has suffered injustices. We have been squeezed in as much as it was possible and the latest blow that we have received was the Award of the Boundary Commission. It is an unjust, incomprehensible and even perverse Award. It may be wrong, unjust and perverse and it may not be a judicial but political award, but we had agreed to abide by it and it is binding upon us . . . .

11. 'The Pakistan' Times on Radcliffe's Boundary Award[2]

The one-man Boundary Commission has at long last given its award. Referring in these columns to the way the Commission was functioning, we had suggested that it was nothing more than a hoax perpetrated on the Muslims of India. We had repeatedly demanded that the delimitation of the frontiers between the States of Pakistan and Hindustan should be strictly on the basis of contiguous Muslim majority areas and any concessions of territory on the basis of "other factors" should be reciprocal and by mutual consent of the two parties concerned. This alone could have guaranteed justice to both sides. Instead a British lawyer sat in judgment and played at the jig-saw puzzles of tehsils, thanas and villages and as a result we see that all the influence he could get up on the basis of "other factors" has militated against the Muslims, when in view of the fact that Pakistan was the smaller and the poorer State it should have been otherwise. Despite the claims of its author, we hold that the award is most unfair and unjust and certainly not the "non-political" award of a detached judge. Our most exaggerated fears regarding the danger of British efforts to placate the unreasonable demands of the Sikhs backed up by the landgrabbing leaders of the Hindu Mahasabha and the Congress have proved to be true. In the Punjab the national division had been unfair but the final award has gone much further and hacked off some of our richest tracts of land. The blow has been the hardest in the Gurdaspur District where the two Muslim tehsils of Gurdaspur and Batala with a Muslim majority of 52.1 and 55.06 % respectively have been thrown into Hindustan along with the Pathankot Tehsil, taking away from Pakistan, the rich Muslim industrial town of Batala. A part of Lahore district has also been broken off and Radcliffe has gone to the trouble of drawing a village to village boundary. But the Ajnala Tehsil of the Amritsar district, contiguous to the district of Lahore, with a 60 % Muslim majority,

[1]From speech broadcast from Radio Pakistan, Lahore, on 30 October 1947, *Quaid-i-Azam Mahomed Ali Jinnah, Speeches as Governor-General of Pakistan* 1947-1948, Pakistan Publications, Karachi, pp. 32-33.

[2]Leading article in *The Pakistan Times*, Lahore, 19 August 1947.

has been completely forgotten. The tehsils of Zira and Ferozepore with a clear Muslim majority contiguous to West Punjab have been dismissed with talk of "disruption of communications". Even mention is not made of the tehsils of Jullundur and Nakodar. We notice that where the Muslim right to non-Muslim territory on grounds of "other factors" was fully established as for instance over certain canal head-works this brilliant lawyer has suggested joint control and we fail to see why similar joint control could not have worked for the non-Muslims. In the division of Bengal and Assam, again the "other factors" have worked against Pakistan. The most glaring injustice is over the division of Assam where large Muslim majority parts of this province were not even considered for cessation to Pakistan because they did not adjoin the district of Sylhet but were contiguous *only* to Eastern Bengal. This legal quiblling, fallacious arguments and principles which work only to the benefit of one party have thus deprived us of large parts which by right and any conceivable principle belong to Pakistan. Ever since Pakistan became absolutely unavoidable the British have endeavoured to make its establishment as difficult as possible and this is but one more step in their policy to placate the powerful capitalists of Hindustan. Through the device of "other factors" they have done so at the cost of Muslim interests. The division of the Punjab and the introduction of the clause of "other factors" in this division was supposed to benefit the Sikhs. The final line, however, while it has taken away a lot from the Muslims, has done little for the Sikhs. They still remain more or less equally divided between Pakistan and India, their shrines for which so much noise was made in India and in London still remain in Pakistan. The British politicians probably hope that they will even after the handing over of power in India continue to fish in troubled waters or they may hope that the State of Pakistan weakened sufficiently will remain for ever dependent on the goodwill and help of the combination of British and Hindu capitalism. Whatever their motives, the award is wrong, unfair and unjust . . .

12. Oskar Spate on Radcliffe's Boundary Award in the Punjab[1]

. . . I recognize but regret its [Pakistan's] inevitability, and in published and unpublished studies of the problem my general conclusions were unfavourable to Pakistan in most aspects. But, once given Pakistan, it seems to me essential statesmanship that it should have good working frontiers, an adequate territory, and if possible no sense of grievance to imperil the future relations of two countries in which, despite all that has happened, the prosperity of the one is inextricably bound up with that of the other.

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. . . Four main lines of argument were adduced: economic, strategic, population, and the location of Sikh holy places.

The Economic Issue

The strongest arguments were certainly economic. It was not disputable

[1]From article "The Boundary Award in the Punjab", *The Asiatic Review*, London January 1948, pp. 1-7.

that in many districts the largest landowner were Sikhs, though this was to some extent offset by double-counting in the original statistics, since the same man might be returned as a holder in several villages. In ten villages only this double count amounted to nearly 1,000 and clearly this affects large holders rather than the small Muslim peasantry. The Sikh case on its economic side in fact rested very largely on a confusion, very appropriate to feudal conditions, between private property in land (which no one was proposing to expropriate) and territorial sovereignty. The admitted Muslim majorities were dismissed as consisting mainly of menials, village artisans, urban floaters, at best very small peasants, of little account in rural economy. Yet, as Sir Zafrullah Khan remarked, it is the village carpenters and blacksmiths who make the Persian wheels go round.

On the Congress side emphasis was naturally placed on the preponderant share of non-Muslims in trade and industry, and the figures were certainly very striking. Thus in Lahore, Montgomery, and Lyallpur Districts only 101 of 270 registered factories were Muslim-owned; in Lahore City only seven of ninety-seven banks and two of fifteen insurance offices were Muslim, and non-Muslim traders paid nearly 5¼ lacs sales tax against two-thirds of a lac by Muslims. These are certainly facts which deserve serious consideration, though one may feel that they are hardly such as should be adduced by a free India, being suspiciously like some of those formerly advanced in justification of British rule; it is generally conceded that both non-Muslims in the Punjab and British in India got a few pice return on their crores of outlay. On a different level this admitted economic domination formed much of the *raison d'etre* of the claim for Pakistan itself; for well-known historical and geographical reasons non-Muslims had far more than a numerically proportionate share of economic power, and the demand for separation has been in large part the reaction of a rising Muslim bourgeoisie (I use the term technically, not morally), who find the best places pre-empted. Weight must clearly be given to these economic considerations, but to give them decisive importance would be to negate the principle of self-determination which, rightly or wrongly, was the primary factor on any reasonable interpretation of the terms of reference. Perhaps the weight attached to the economic factor depends on the relative significance one attaches to the rights of man and the rights of property; a difficult problem, as they are incommensurates.

The Strategic Issue

If the economic claim was strongest, the strategic was weakest. Some play was made with the statement that the Chenab line would be a good defensive frontier to both sides. This is sheer absurdity. Pakistan, with no heavy industry, would be dependent on war supplies through Karachi, and an advance of less than 40 miles from the Congress-Sikh line would break the 520-mile double track railway from Karachi and the two single lines to the north (one actually on or inside the Congress-Sikh line), which are all the communications Pakistan has. In effect, Pakistan would be cut in two and defence would be hopeless. On the Muslim line a 40-mile advance would not compromise beyond retrieving the

defence even of East Punjab, much better supplied with railways, let alone the immense depth of India behind it.

Distribution of Communities

The population aspect is enormously complicated by the unfortunate distribution of the Sikhs. They number over 10 per cent of the population in eleven Districts, but in none have they an absolute majority, and in only one, Ludhiana, are they even the largest community. In the Amritsar District itself they are only 36 per cent and in the city 20 per cent. On the other hand, in six of the eight Districts west of the Beas-Sutlej line, where Sikhs are over 10 per cent, Muslims are over 60 per cent I do not think that further argument is needed to show the impracticability of meeting their claims; the disparities are too great to be outweighed by "other factors". It is true that the whole area claimed by Congress and Sikhs was called a contiguous non-Muslim majority area; but this is true only if the undisputed east is included. It is surely fairer to take the disputed area only, and here, without calling the undisputed west to their aid, the Muslims have a clear majority. Village figures for the 1941 Census are not available in England (they are not always intelligible when available), but of a total of some 13,600,000 people in the disputed area at least 7,840,000 or over 57 per cent were Muslims; and the method I have used certainly understates the number of Muslims, who are probably nearer 8,000,000. Moreover, by parity of reasoning, the Muslims might well claim the entire Punjab as a "contiguous Muslim majority area".

The general reliability of the 1941 Census was strongly impunged by Congress on the grounds of under-representation of non-Muslims. In 1941, however, all parties were keenly aware of the issues, and while over-representation probably took place there are no grounds for supposing that it did not take place pretty equally all round; in any case, it was simply not possible to get behind the 1941 figures. The only definite cases cited were a few of intimidation of Scheduled Castes to return themselves as Sikhs; this was defended on the remarkable ground that this was not cheating between Muslims and non-Muslims, only between friends. In any case, the Census was implicitly relied on for the construction of the Congress "Red Map." This showed two long irregular bands between Sutlej and Ravi, and Ravi and Chenab, as non-Muslim majority areas, rather miraculously joined up in the north with no non-Muslim but plenty of Muslim detached islands.

This, on the face of it, is a somewhat remarkable distribution of population, and one's suspicions were not dispelled by the statement of the basis of construction: "Anything from a district to a village"! This was, of course, gerrymandering in the original American sense of the term; how it worked can be seen from Chunian tehsil, where the areas of each side were about equal. On examination the Muslim majority in their half turned out to be 85,706, the non-Muslim in theirs exactly 1,100. In Lahore City, where the 1941 Census really was inaccurate, there was some Muslim majority on any reckoning, and it can be shown conclusively from the age and sex structure that the stable non-floating element of the population is predominantly Muslim. On a population basis, therefore, I think the non-Muslims

had no case, especially as the calculations in nearly all instances were on a simple Muslim or non-Muslim basis, whereas it is very highly probable that a good majority of the Scheduled Castes and Indian Christians would opt for Pakistan.

The Holy Places

There remains the difficult question of the Sikh holy places. I do not think that when Mr. Butler and Mr. Henderson discussed the matter they can have been aware that, according to the Sikh leader Ganga Singh, there were no fewer than 700 Sikh shrines scattered all over the Punjab. With all due respect to deeply held religious feelings, it is difficult to think that many of them were of such importance that responsible leaders of a community of 5,000,000 should found a claim to territorial domination on them and thereby imperil the peaceful relations of the remaining 400,000,000 of the sub-continent, yet this is in effect what has happened. Here we are in a realm of subjectivism where argument is in vain.

Summing up, it is hardly too much to say that the extreme Congress-Sikh claim amounted to accepting Pakistan in words to deny it in deeds; since it is hardly contestable that the Punjab will have to be the economic and fiscal mainstay of Pakistan, and the Chenab frontier would leave little of the Punjab worth having. Again, it must in fairness be remembered that this was in all probability regarded as a bargaining case, at least by Congress.

The Muslim Claim

Turning to the Muslim claim, this was slightly amended after Congress had introduced the strategic argument, and in its final form ran along the crest of the Siwaliks between Beas and Sutlej, then roughly parallel to the latter and just beyond the Ludhiana-Ferozepore railway and the Bikaner Canal. This line is little beyond the limit of absolutely contiguous Muslim majorities, except in the east of the Bist *Doab*, the angle between Beas and Sutlej. Here the Siwalik crest was claimed to give a strategic frontier, though I myself think that a better argument is the economic one that control over deforestation and soil erosion in the hills is vital to the agriculture of the plains below; nor is there any strong reason why a boundary should not run down from the crest splitting the *doab*, except that it would hamper the execution of the projected Bist *Doab* canal.

However, considered simply as a boundary, this line is probably technically better than any other suggested, including the actual award and my own favourite the Beas-Sutlej line, although from a strategic point of view it should have been advanced a few miles between Ludhiana and Ferozepore to give some tactical cover to the railway.

The line is well defined almost throughout, not by shifting rivers, but by a marked mountain crest or by visible artificial objects subject in any case to administrative surveillance, such as canals and railways; it causes the minimum splitting of canal systems (except in so far as they are already cut up by Patiala and other States), and is crossed by few railways. The original line was criticized

by Congress because it was cut by six railways; but their own line simply took over existing local boundaries without any examination of how far these are suitable for international boundaries, with the ludicrous result that in the 35 miles or so between Shorkot Road and Khanewal there were six crossings by the same railway, and for 10 miles the boundary would actually run down the middle of a single-track railway. There are other factors more important than technical simplicity, however, and though I think the Muslim line quite a legitimate claim, as these things go, it does not of course follow that it would have been a fair award.

The Award

Sir Cyril's Award—it is its one great merit—does reduce the minorities on either side to what is probably the minimum possible: some 27 per cent of the former Muslim population of the Punjab was left to the east and 32.5 per cent of the non-Muslims to the west, in each case about 4,000,000 people. It fails, inevitably, to avoid splitting the Sikhs or the canals; but it is difficult to feel that it is in fact drawn on the principle of contiguous majority areas which Sir Cyril's report accepts as the fundamental basis. Literal adherence to this principle would, of course, be absurd, but I feel that a closer approximation could be made without undue violence to "other factors". Clearly, too, tehsil boundaries are not sacrosanct, since Kasur Tehsil is split for no very clear reason. This being so, it is difficult to see why Gurdaspur district should not have been allotted to West Punjab, with the boundaries modified in the north and south to give contiguous non-Muslim majority areas beyond the Madhupur headworks and adjoining Amritsar Tehsil to East Punjab. It is true that communally Gurdaspur has a bare Muslim majority, but culturally it was overwhelmingly Muslim, and it was, perhaps, the only area in the Bari *Doab* where Muslims were in the lead industrially.

Its allocation to East Punjab secures the flank of the Amritsar salient, which reaches to within 17 miles of Lahore, while if allotted to Pakistan it would in no way endanger the defence of India. If East Punjab had to come west to the Beas-Sutlej line—and given the special attachment of the Sikhs to Amritsar this may well seem inevitable—there seems no very good case for extending it beyond the two tehsils of Amritsar and Tarn Taran, especially as there is no corresponding concession as regards the Muslim areas beyond the Beas-Sutlej confluence. The difficulties are, of course, tremendous, and it is true that it is not possible to draw an entirely just line, still less one which could satisfy more than one side; but with a full appreciation of all this, I do not feel that the award is the best approximation that could have been made.

The fundamental difficulty, once again, is the scattered distribution of the Sikhs. There is much in the argument that they would be better off *en bloc* in Pakistan; if only Ambala division were detached, and excluding States, they would form nearly 15 per cent. of the population of the Punjab, the key Province of Pakistan—a minority too big and too tough to be treated without due consideration. But this is an outsider's view, and it has not commended itself to the community, although at various times some of their leaders have seemed to glimpse

this apparently obvious point. In the event, one cannot resist the conclusion that their leadership lacked longer vision, and that the vehemence with which they pressed their claims has led to an attempt at securing peace for a month or two at the possible price of lasting bitterness between Pakistan and India—and Pakistan and British—and has not even attained its limited objective...

13. Vallabhbhai Patel on the Congress Condition for Accepting Partition[1]

You all know our country was one and we had one economic system which has been broken all on a sudden. We agreed to partition because we saw the alternative was worse. Therefore, we agreed. But we made a condition that we can only agree to partition if we do not lose Calcutta. If Calcutta is gone then India is gone. We could not agree to any condition under which we had to lose Calcutta.

14. David E. Lilienthal on Radcliffe's Boundary Award in the Punjab[2]

The partition gave the major part of the irrigated lands of the Punjab and Sind to Pakistan; but the headworks of some of the largest irrigation canals that feed Pakistan were left with India or Kashmir. All the rivers upon which Pakistan depends for life *originate* in India or Kashmir. Two-thirds of the entire water supply originates in Kashmir, where the snow-fed Indus rises. This crucial and determinative aspect of the Kashmir issue is rarely referred to; it is not even an issue before the United Nations.

Why the flow of the Punjab's lifeblood was so carelessly handled in the partition no one seems to know.

Pakistan includes some of the most productive food-growing lands in the world in western Punjab (the Kipling country) and the Sind. But without *water for irrigation* this would be desert. 20,000,000 acres would dry up in a week, tens of millions would starve. No army, with bombs and shell fire, could devastate a land as thoroughly as Pakistan could be devastated by the simple expedient of India's permanently shutting off the sources of water that keep the fields and the people of Pakistan alive. India has never threatened such a drastic step, and indeed denies any such intention—but the power is there nonetheless.

Except during the brief monsoon rains which run off in violence and torrent, there is almost no rain in Pakistan or in the adjoining part of India, the area that is a part of the basin of the great Indus River, which is made of six tributaries. Life depends upon irrigation canals, some of them hundreds of years old. Not only farms depend on irrigation; as great a city as Lahore takes her drinking water from a canal.

[1] From reply at a reception accorded to him jointly on behalf of several Chambers of Commerce at the Calcutta Club, Calcutta, on 14 January 1950. *The Sunday Amrit Bazar Patrika*, Calcutta, 15 January 1950.

[2] From article "Another 'Korea' in the Making?", *Colliers*, New York, 4 August 1951, p. 58.

I saw the source of water supply for Lahore and the surrounding farming country near the border when (probably for some operating reason) India had cut down the flow; every passer-by could see how low the canal's waters had fallen. An hour later I talked to Pakistanis so furious and worried that they were ready to fight with their bare hands. Later in the day, the waters were up again; but the fear was still there. In the spring of 1948, during international negotiations as to the allocation of water for irrigation, India cut off most of the supply of water to Pakistan for a month, causing distress, loss of crops and general disruption. This rankles and makes Pakistan fearful of the future.

15. Din Muhammad on Radcliffe's Boundary Award in the Punjab[1]

The following circumstances clearly indicate that both Mountbatten and Radcliffe conducted themselves in a manner which, to say the least, was unworthy of the high positions they held—the former as the Viceroy of India and the latter as a leading member of the English bar.

1. Soon after the announcement of the scheme of Partition drawn up by the British Government, in which the District of Gurdaspur had been provisionally included in the new Province of Muslim Punjab (vide Second Schedule to the Indian Independence Act, 1947), Mountbatten held a Press Conference, the proceedings of which were conducted by Mr. Patel, an inveterate enemy of the Muslims, and which among others was attended by his Secretary, Mr. Menon, Lord Ismay and Sir Eric Mieville. In the course of this Conference, he was questioned as to why he had remarked in his broadcast that the ultimate boundaries of the partitioned provinces would be "almost certainly not identical with those which have been provisionally adopted." He at once replied in the following words: "For the simple reason that in the District of Gurdaspur in the Punjab the population ratio is 50.4 per cent Muslims and 49.6 per cent non-Muslims. The difference is 0.8 per cent. You will see at once, it is unlikely the Boundary Commission will place the whole of the District in the Muslim majority area." In the first place, these figures were patently wrong inasmuch as according to 1941 Census the Muslims were not 50.4 but 51.14 per cent and the difference was not 0.8 but 2.28 per cent. Secondly, knowing that under sub-section (3) of Section 4 of the Independence Act, the Award meant in relation to the Boundary Commission only the decisions of the Chairman of that Commission contained in his report, he, as Viceroy of India, had no business to pre-judge the issue and to make such a blatant suggestion to the Chairman, who was coming from his own country, to see that the whole District of Gurdaspur, despite its being a Muslim majority District, was not placed in Muslim Punjab. It evidently shows that the matter of handing over Kashmir to India was uppermost in his mind and as this District alone could provide a link with that valley, he could not conceal his anxiety on this score. Considering that the instructions issued to the Boundary Commission were "to demarcate the boundaries of the two parts of the Punjab

[1] A copy of this note, which is dated 27 January 1952, was given personally by its author to the Editor of this volume. The italics and quotation marks within the first quotation are the author's. Ed.

on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims", the primary task of the Commission was to look to the population factor and it did not matter how great or small the majority was.

2. Despite the fact that the percentage of Muslims in the Gurdaspur Tehsil was 52.1 and in Batala Tehsil 55.96, Radcliffe took them away from Muslim Punjab and placed them in Hindu Punjab without any rhyme or reason, although they were quite contiguous to the other Muslim majority areas. Similarly, the Tehsils of Ferozepore (55.2 per cent Muslims), Zira (65.2 per cent Muslims), Nakodar (59.4 per cent Muslims), Ajnala (59.4 per cent Muslims) and Jullundur (51.1 per cent Muslims) were allotted to Hindu Punjab on no moral or equitable grounds, ignoring the fact that the map clearly proclaimed their contiguity to the rest of the Muslim majority areas.

Radcliffe went so far as to chop off some areas of the Tehsils of Lahore (62.05 per cent Muslims) and Kasur (57.2 per cent Muslims) and place them in Hindu Punjab. It now appears that the handle given to the Chairman by allowing him to take into consideration "Other Factors" was with the sole object of achieving Mountbatten's nefarious design and this handle Radcliffe ruthlessly used against Muslims alone.

3. Although Radcliffe had clear instructions to allot the Muslim Tehsils of Batala and Gurdaspur to Hindu Punjab from the very beginning, he was later compelled to alter his award and place in Hindu Punjab even some of the other areas originally placed by him in Muslim Punjab. The observations he made in respect of those areas do no credit to his integrity or intelligence. They read as follows:

> I have *hesitated long* over those *not inconsiderable areas,* east of the Sutlej River and in the angle of the Beas and Sutlej rivers in which *Muslim majorities are found,* but, on the whole, I have come to the conclusion that it would be in the "true interests" of neither State to extend the territories of the West Punjab to a strip on the far-side of the Sutlej and that there are factors, such as the disruption of railway communications and water systems that ought in this instance to displace the primary claims of contiguous majorities.

It passes one's comprehension why it would not have served the "true interest" of Muslim Punjab to keep those Muslim majority areas within its boundaries. One should not be astounded to learn that by this one unjust and arbitrary act of his, Radcliffe placed nearly two million Muslims more at the mercy of the Hindus and this ultimately led to their complete extermination.

4. Radcliffe, while demarcating the boundaries of the two sovereign States of India and Pakistan abandoned all natural barriers like rivers, mountains, canals or hills and went from village to village and thus sowed the seeds of eternal discord between the two Dominions. To give an illustration, the following three paragraphs picked at random from the report will suffice:

> "The line will then run along the western and southern boundaries of village Khem Karan to its junction with village Maewala. It will then run down the western and southern boundaries of village Maewala, pro-

ceeding eastward along the boundaries between village Mahaidepur on the north and villages Sheikhupura, Kuhna, Kamalpura, Fatehwala and Maewala.

The line will then turn northwards along the western boundary of village Sahjra to its junction with villages Mahaidepur and Machhike. It will then turn north-eastwards along the boundary between the villages Machchike and Sahjra and then proceed along the boundary between the villages of Rattoke and Sahjra to the junction between villages Rattoke, Sahjra and Mabbuke.

The line will then run north-east between the villages Rattoke and Mabbuke to the junction of the villages Rattoke, Mabbuke and Gajjal. From that point the line will run along the boundary between villages Mabbuke and Gajjal, and then turn south along the eastern boundary of village Mabbuke to its junction with village Nagar Aimanpur.

No man unless bereft of all sense of intelligence would choose to divide two independent countries on these lines. Even in patitioning ordinary urban tenements, definite boundaries are fixed so as to avoid mutual clashes every day.

5. Radcliffe discarded all recognised units of administration, namely, Districts, Tehsils and sub-tehsils and with a view to depriving Muslims of their majority areas adopted a novel method. He first fixed up an area irrigated by Bari Doab Canal which extended over three districts of Lahore, Amritsar and Gurdaspur and when told that Muslims preponderated even in that area, he arbitrarily excluded a certain portion of it and thus defied all canons of justice and propriety.

6. While on his only visit to the Punjab about the middle of July, Radcliffe was supplied by Mountbatten with his own aeroplane in order to take him over the same territory which he ultimately placed in Hindu Punjab. No sooner this fact came to the notice of the Muslim Members of the Boundary Commission than they at once became suspicious, apprised Quaid-i-Azam Mohammad Ali Jinnah of the malafides of Mountbatten and Radcliffe, and even expressed their preparedness to resign on this issue.

7. With a view to appeasing the Sikhs, Mr. Butler in England was haranguing on the necessity of placing the Sikhs in one "conglomerate whole". Abell, Private Secretary of Mountbatten, is married to Mr. Bulter's cousin and in order to facilitate their task Abell placed one Beaumont at the disposal of Radcliffe. This officer had taken his Settlement training in the District of Lahore and had been driven away from the Punjab by the then Muslim administrators. Throughout the proceedings, he was seen hob-nobbing with the Sikh Secretary of the Commission, and the village-to-village demarcation was obvioulsy his achievement.

This is not all. Several other patent facts can be cited in support of this charge. Taking into view all the circumstances mentioned above, one is forced to the conclusion that Radcliffe yielded to the pressure of Mountbatten who was then a nominee of the Labour Government, some of whose Ministers were in season and out of season harping on the theme of safeguarding the interests of the Sikhs.

For, it cannot be imagined that such an absurd and dishonest award could be the creation of an English lawyer's brain.

16. Lord Birdwood on Radcliffe's Boundary Award in the Gurdaspur District[1]

The Gurdaspur District consists of four *tehsils*; Batala, Shakargarh, Gurdaspur itself and Pathankot. Of these, the first three had Moslem majorities, and only the Pathankot *tehsil* had a Hindu majority. Had therefore the three Moslem *tehsils* gone to Pakistan, the maintenance of Indian forces within Kashmir would still have presented a grave problem for the Indian commanders, for their railhead at Pathankot is fed through the middle of the Gurdaspur *tehsil.* It was Radcliffe's award to India of the Gurdaspur and Batala *tehsils,* with Moslem majorities, which rendered possible the maintenance of an Indian force at Jammu based on Pathankot as railhead, and which enabled India to consolidate her defences southwards all the way from Uri to the Pakistan border.

17. M. Munir on Radcliffe's Boundary Award in the Punjab[2]

The Chairman [of the Punjab Boundary Commission] started interviewing the members [of the Commission] individually. Din Mohammad went in a day before me and on coming out put some questions to an expert of the Muslim League contingent who was supposed to be fully conversant with the irrigation systems. Din Mohammad could be angry on occasions and I saw his gorge rise at the incomplete and unsatisfactory replies he received to his inquiry.

My turn came on the following day and this was the last interview the Chairman had with any member of the Commission. Going in, I found Mr. Beaumont with Sir Cyril [Radcliffe] in the room. Earlier we had seen this Secretary more than once in his room, closeted with non-Muslims and poring over a map which hung on a wall. Obviously, they thought that like the Reader of a Judge he could do something for them.

Gurdaspur District came up first. It was a Muslim majority area and, therefore, if a district was to be taken as a unit, the whole of it had to go to Pakistan. But if what Mountbatten had stated about this district in his Press Conference of June 4 was right and the district had to be partitioned, the Pathankot Tehsil could, as suggested by the Muslim League, be separated from it and joined with the contiguous non-Muslim area. Shakargarh was not only a Muslim majority area but also a physical entity, with the Ravi as its eastern boundary, and could not conceivably be split up.

Canal Colonies were the next to be taken up. Here the argument was simple. The Commission had not to divide land or property between the Muslims and non-Muslims but to demarcate contiguous Muslim and non-Muslim majority areas.

[1] *Two Nations and Kashmir,* Robert Hale Limited, London, 1956, p. 74.

[2] From article entitled "Days to Remember", *The Pakistan Times,* Lahore, 23 and 24 June 1964.

After this discussion turned to Lahore, the District and the town, one of the most contested points in the dispute. The non-Muslims had collected a host of figures—figures from the University and educational institutions, from property records, from industrial and commercial undertakings, and from income tax, sales tax and house tax records. The town of Lahore was on the ground of other factors being claimed as a Hindu dominated area. Here again the earlier argument holds good. The function of the Commission was to separate the contiguous Muslim and non-Muslim majority areas and not to divide property or trade or business assets or to separate the intellectually developed from backward areas.

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While at the Lahore town, an amazing remark was dropped from the Chairman. Lahore, he hinted, was not a part of the Ravi watering system. It may here be mentioned that preservation of the present irrigation system was an obsession with Sir Cyril. Shortly after his arrival in New Delhi he made a suggestion that the parties concerned should agree to the joint control of the existing irrigation system. For this he had received curt replies both from Nehru and the Quaid-i-Azam.

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Despite this rebuff, as I shall have the occasion to point out later, Sir Cyril did play politics when on the ground that it was not in the interests of either State that large contiguous Muslim areas east of the Beas should go to Pakistan, he awarded them to India.

Reverting to Lahore, I pointed out to the Chairman that but for the water channels that take off from the Canal that flows between the town and the Cantonment, Lahore would not be the city that it is, with public parks, lawns and green fields within the Corporation limits. And he certainly did not expect that water should actually enter the houses inside the walled city to make it a part of the irrigation system. But though the facts and the argument were correct, they produced no visible impression. Lahore in India did not appear to be beyond the realms of possibility. Was he contemplating drawing the line a' -ng the Ravi or somewhere between the walled town and the civil lines?

The Muslim League had claimed substantial areas lying to the east of Beas and the Sutlej. After discussing some tehsils of Amritasr, Jullundur, Hoshiarpur, Ludhiana and Ambala Districts, I was about to place the case of Ferozepur and Zira and portions of the Fazilka and Muktasar Tehsils of the Ferozepur District, when I received a pleasant surprise. Here at least Sir Cyril was agreeing with me. He distinctly told me that these areas, which included the Ferozepur Headworks, would go to Pakistan and that I need not say anything more about them. As if I did not know this, he gave me a full description of these areas, mentioning the 'cliffs' on one side of the low lying land and the canals that take off from the Ferozepur Headworks. On this part of the case, at least I thought, we had succeeded and communicated my impression to Mamdot who owned a vast estate in this tract.

The Muslim League had claimed the District of Amritsar and in my report I had supported that claim. In the course of my interview with the Chairman,

however, I had mooted, with the Muslim League's consent, the proposal of making the city of Amritsar, the Mecca of the Sikhs, a Sikh enclave, by connecting it with some trans-Beas areas. Here Mr. Beaumont wanted to rebut the suggestion by asserting that there was no bridge on the river to connect the enclave and the areas beyond the river. On this I lost my temper, told Beaumont not to interfere and informed the Chairman that a metalled road with a bridge on the river though passing through Kapurthala State connected the two. But I was seized with a disturbing thought—if Beaumont could misrepresent in my presence could he not do so when there was no one with Sir Cyril?...

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The Award was announced over the radio on August 17. With the exception of a part of Shakargarh Tehsil, the whole of the Gurdaspur District went to India. So did the whole of the Amritsar District and all the trans-Beas and trans-Sutlej Muslim majority areas, including Ferozepur, Zira, Mukhtasar and Fazilka Tehsils. The Canal Colonies remained with us and Lahore was saved. On the East the boundary line ran not along the Ravi, nor along a tributary of the Ravi but along the western branch of a negligible tributary of that river, starting right from the place where that branch emerges from the State of Jammu and Kashmir..

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When I read the text of the Award I was stunned. A two-page document and a line on a map drawn as the fancy of its drawer dictated had divided the fourth largest country in the world. No reasons, except one to which I shall presently refer, were given and no reference was made to the arguments and contentions raised.

Here was an instance of a British lawyer trained in traditions of British justice, the very first principle of which is that a party should know why a matter has been decided against him! If the Award was judicial, it lacked every attribute of a judicial decision. And if it was political, why lay claim to justice, fairness and impartiality? Why not say that India belonged to the British and their Viceroy gave it to whomsoever he liked?

The Award bears the date 12th of August but Campbell-Johnson, the author of *Mission with Mountbatten,* and the person in charge of publicity says that it had not been received up to the 12th August. He has not yet disclosed the date on which Mountbatten received it. Does he not know the date? If so, why does he not mention it ? All that he says is that the Award was announced to Nehru, Liaquat Ali Khan and Baldev Singh on the 17th of August. Mr. Mosley [author of *Last Days of the British Raj*]..., however, states that the Award was made on the 9th of August.

But whatever the date of the delivery of the Award, there is conclusive evidence that the Punjab Award had been finalised on the 8th of August. It is proved beyond all doubt that on that date Sir Evan Jenkins, the Governor of the Punjab, telephoned to Mr. George Abell, Private Secretary to the Governor-General, that for urgent administrative reasons he wanted to know in advance as to where the boundary line was going to be drawn. That very evening George

Abell went to Sir Cyril's place and made the enquiry asked for. Mr. Mosley says that the inquiry was not made of Sir Cyril as he was dressing for dinner but of someone else whom he does not mention. George Abell has not yet said one word about this incident. It is, however, agreed that that very evening the contents of the Punjab Award, in so far as they were necessary for Sir Evan Jenkin's information, were communicated to him over the telephone and that the infromation so supplied was reduced to writing.

According to that information, the Tehsils of Ferozepur and Zira had come to Pakistan. And this is precisely what Sir Cyril had mentioned to me when I interviewed him. How is it then that these tehsils went to India in the Award announced on the 17th of August? The only explanation possible is that Sir Cyril altered the Award some time between the 8th and 17th of August, when he was in Delhi. It is also clear that he of his own accord would not make the alteration as he must have known that the original Award had been communicated to Sir Evan Jenkins and no fresh arguments had been addressed to him after the 8th to persuade him to alter his decision. The irresistible inference, therefore, is that he must have been prevailed upon by Lord Mountbatten to make the desired alteration.

Further there is intrinsic evidence to show that this part of the Award was not the result of an honest endeavour to arrive at a just decision. I have already said that Sir Cyril gave no reason for the Award. For these two tehsils' remaining in India, however, he did give a reason and that reason is anything but convincing. The reason is as follows:

> I have hesitated long over those not inconsiderable areas east of the Sutlej River and in the angle of Beas and Sutlej Rivers in which Muslim majorities are found. But on the whole, I have come to the conclusion that it would be in the true interests of neither State to extend the territories of the West Punjab to a strip on the far side of the Sutlej and that there are factors such as the disruption of railway communications and water systems that ought in this instance to displace the primary claims of contiguous majorities. But I must call attention to the fact that the Dipalpur Canal, which serves areas in the West Punjab takes off from the Ferozepur Headworks and I find it difficult to envisage a satisfactory demarcation of boundary at this point that is not accompanied by some arrangement for joint control of the intake of the different canals dependent on these Headworks.

It is obvious that the reason given was not in the mind of Sir Cyril on the 8th of August when the contents of the Award were communicated by George Abell to Sir Evan Jenkins, and that it is a subsequent invention. And as has been already pointed out, for his observation for the joint control of irrigation systems Sir Cyril had earlier received a rebuke and was accused of playing politics. Did he not play politics when he stated in this part of the Award that it would be in the interest of neither State to extend the territories of the West Punjab to a strip on the far side of the Sutlej, when these strips were described by him in the same paragraph of the Award as the area in which "not inconsiderable " Muslim majorities are found. And had he not been told earlier that the joint control of

canals which he advocated in this paragraph was out of the question and not a matter within his scope? And lastly, could not a joint control be suggested for the other two canals that take off from the Ferozepur Headworks by giving at the same time effect to the contiguous majority principle in favour of the Muslims?

Take now the Gurdaspur District. Was it not a Muslim majority area? True, the majority of the Muslims here was nominal but could not this majority have automatically risen appreciably if Pathankot Tehsil had been separated and joined to India? And then what were the compelling factors to partition Shakargarh, a Muslim majority Tehsil? Further, if Shakargarh had to be partitioned why not adopt as basis the major physical feature, the Ravi, but choose as the boundary line neither the river nor its main tributary (Ujh river) but the western branch of this stream where it "enters the Punjab Province from the State of Kashmir?" Was Gurdaspur intended to be sacrificed suitably to a desire to connect India with Kashmir?

18. S.A. Rahman on Radcliffe's Boundary Award in East Pakistan[1]

With regard to East Bengal proper, in our discussions with him (Radcliffe) we got the impression that he was inclined to fix the boundary further east of the River Mathabanga. He was obsessed with the idea that he should provide a hinterland to Calcutta for West Bengal. The discussions with regard to East and West Bengal were finished at Calcutta. For the discussions regarding Sylhet and Cachar, we journeyed to Delhi where we met him for the final discussions. While starting from Calcutta, I had written a letter to him urging the necessity for fixing the East Bengal boundary at least along the Mathabanga River. I am glad to say that he eventually saw my point and fixed the boundary along that River.

I had argued with him that since he was giving the whole of Baraset sub-division to West Bengal for the benefit of Calcutta, he should, on similar considerations, give us Jalpaiguri and catchment area of the Teesta River in the interest of the integrity of the river system of East Bengal. He did not agree to this suggestion.

With regard to Sylhet and Cachar, the position was, as I had argued with him at Delhi, that Karimganj and Badarpur areas of Sylhet were Muslim-majority areas and there were three Hindu-majority thanas to the south of them, adjoining the East Bengal border. These thanas were, however, completely surrounded by Muslim-majority areas and I contended that they would come to us by geographical compulsion. I clarified the situation by reference to maps which he had got prepared. Sir Cyril at that time made the remark: 'I don't see any escape from this conclusion.' He was, therefore, evidently of the opinion that my contention was acceptable.

With regard to Cachar, I had contended that the Hailakandi sub-division which adjoined the Sylhet district on the East, was a Muslim-majority area and should, therefore, be assigned to us. At that time he did not appear to be disinclined to accept this argument.

[1]From letter to M.A.H. Ispahani as reproduced in the latter's *Quaid-e-Azam as I Knew Him*, Forward Publications Trust, Karachi, 1967, pp. 253-254.

When the Award was announced, however, I was surprised to find that he had awarded the Muslim-majority areas of Karimganj and Badarpur to Bharat and only allowed the three non-Muslim-majority thanas to us in Sylhet, with a small surrounding area. He thus deprived us of a big chunk of the Muslim-majority area and, further, he did not give us an inch of land out of Cachar. To say the least, this was a most surprising and unfair decision. What happened behind the scenes, I am unable to say, but you can draw your own conclusions.

19. Chaudhri Muhammad Ali on Alterations in Radcliffe's Boundary Award in the Punjab[1]

On August 9, 1947, I went from Delhi to Karachi for a day to consult the Quaid-i-Azam and Liaquat Ali Khan about the Indian proposals for the treatment of the national debt. Before I left Karachi to return to Delhi, Liaquat Ali Khan told me that the Quaid-i-Azam had received very disturbing reports about the likely decision on the Punjab boundary, particularly in the Gurdaspur district. In the Amritsar and Jullundur districts contiguous Muslim majority areas were also in danger of being assigned to India. He asked me, on my return to Delhi, to see Lord Ismay and convey to him, from the Quaid-i-Azam, that if the boundary actually turned out to be what these reports foreshadowed, this would have a most serious impact on the relations between Pakistan and the United Kingdom, whose good faith and honor were involved in this question. When I reached Delhi, I went straight from the airport to the Viceroy's house where Lord Ismay was working. I was told that Lord Ismay was closeted with Sir Cyril Radcliffe. I decided to wait until he was free. When, after about an hour, I saw him, I conveyed to him the Quaid-i-Azam's message. In reply, Ismay professed complete ignorance of Radcliffe's ideas about the boundary and stated categorically that neither Mountbatten nor he himself had ever discussed the question with him. It was entirely for Radcliffe to decide; and no suggestion of any kind had been or would ever be made to him. When I plied Ismay with details of what had been reported to us, he said he could not follow me. There was a map hanging in the room and I beckoned him to the map so that I could explain the position to him with its help. There was a pencil line drawn across the map of the Punjab. The line followed the boundary that had been reported to the Quaid-i-Azam. I said that it was unnecessary for me to explain further since the line, already drawn on the map, indicated the boundary I had been talking about. Ismay turned pale and asked in confusion who had been fooling with his map. This line differed from the final boundary in only one respect—the Muslim majority tahsils of Ferozepore and Zira in the Ferozepore district were still on the side of Pakistan in the sketch-map.

A word of explanation is necessary regarding the significance of these alterations. The tahsils of Ferozepore and Zira had a considerable Sikh minority; the proportion of Sikhs in the population of this area was nearly double that of their average percentage of 13.2 in the Punjab. Mountbatten, Ismay, and others on the Viceroy's staff were anxious to appease the Sikhs, partly out of regard for

[1] *The Emergence of Pakistan*, Columbia University Press, New York, 1967, pp. 218-219.

their past services in the Indian army and partly to diminish the danger of the disturbances which the Sikhs were threatening to create. When Ismay went to London in July 1947, he brought back with him Major Short who was devoted to the cause of the Sikhs. Penderel Moon, who met Major Short in Delhi toward the end of July, wrote that the latter

> realised at once that the time had passed for thinking of a Sikh-Muslim *rapprochement*. All he could do for the Sikhs was to plead for drawing the dividing line sufficiently far to the west to bring some of the colony lands within India. With all my sympathy with the Sikhs I did not think that on merits this could be done....In various discussions in Delhi with Short and V.P. Menon I stuck to this view. Menon wanted to know whether by juggling with the line the danger of disturbances in the Punjab could be diminished. I did not think so.[1]

It is to be remembered that at the time Major Short was pleading for drawing the boundary line to the west and V.P. Menon was thinking of juggling with it, the issue of the boundary was solely in the hands of Radcliffe. And it was only by influencing Radcliffe that the Sikhs could be helped. How unfounded were these hopes of appeasing the Sikhs was shown by the holocaust in the Punjab that started even before the publication of the boundary award.

20. A. Tayyeb on Radcliffe's Boundary Award in East Pakistan[2]

...Beginning from the south-west corner, the new boundary followed the line between the Districts of Twenty-four Parganas and Khulna. It thus allotted the non-Muslim industrial District of Calcutta to India, but included the infertile and poorly drained Khulna in East Pakistan despite the nominal majority of non-Muslims in this District. If this was intended as a compensation to the League for the loss of Calcutta or other Muslim areas, it was obviously a very poor compensation; it caused no particular enthusiasm in the League—it only annoyed the Congress.

Proceeding northwards the boundary meanders along a delta distributary thus bisecting the Districts of Jessore and Nadia, each of which had clear Muslim majorities, and then follows the river Ganges, leaving the entire Muslim District of Murshidabad also in India. In these District alone more than a million Muslims were left out of East Pakistan, a sacrifice too great to justify the plea that the boundary follow a natural feature.

North of Murshidabad the boundary leaves the Ganges river and follows a local road so as to leave the south-eastern part of the Malda District in East Pakistan ...[and] the balance which was non-Muslim in India. Farther north, in Dinajpur District, it makes two short eastward turns before moving abruptly to the north-west to meet the Bengal-Bihar boundary. This results in the inclusion of the western but non-Muslim part of Dinajpur in India; however, this also produces two salients juxtaposed, a shallow salient of East Pakistani territory in Malda District and a deeper eastward Indian salient in Dinajpur District.

In the extreme north, Rangpur was a Muslim, Jalpaiguri a non-Muslim District, but minority areas were not clearly defined in either. Instead of conforming

[1]Penderel Moon, *Divide and Quit*, Chatto & Windus, London, 1961, p. 96.
[2]*Pakistan: A Political Geography*, Oxford University Press, London, 1966, pp. 88-91.

to the communal criterion, the boundary meanders unnecessarily across both the Districts and produces three obtruding salients of Pakistani territory into the Indian side.... While they add little of value to East Pakistan they do disrupt the road and railway systems which were of value only to India.... At present these salients have rendered the province of Assam a political peninsula of India connected to the mainland only by a narrow political isthmus, narrower than it need have been. This isthmus could have been easily broadened by keeping Pakistan territory south of the communication lines; in lieu of the area in these salients Pakistan could have been given any number of Muslim areas (elsewhere) which were equally unnecessarily given to India.

Farther east the boundary follows the northern limits of Mymensingh and Sylhet Districts, which is also the line separating the hills from the plains, and the Muslim from the non-Muslim areas, one of the few sections where the boundary award is quite logical and fair. However, all of the Sylhet District was still not included in East Pakistan, the boundary cutting off a small portion from it in the extreme north-east. There seem to be no pressing strategic, economic, or communal factors which explain or justify this minor and entirely unnecessary operation.

Southwards from Sylhet the boundary runs between Tippera district and Tripura State where it is a logical boundary on both communal and political grounds. It loops around the State and follows the State boundary to the border of Burma and then coincides with the old India-Burma international boundary. By so doing it gives East Pakistan not only the coastal Chittagong District of clear Muslim majority, but also the Chittagong Hill Tracts where the Muslims formed only 3 per cent of the population. This anomaly is understandable for, although the Tracts are inhabited by technical non-Muslim people, these are not Hindus, but animist aborigines inhabiting the wilderness of rock and forest. Also, the allocation of these Tracts to India would serve no great purpose as long as Chittagong District remained in East Pakistan and blocked the sea exist from the Tracts.

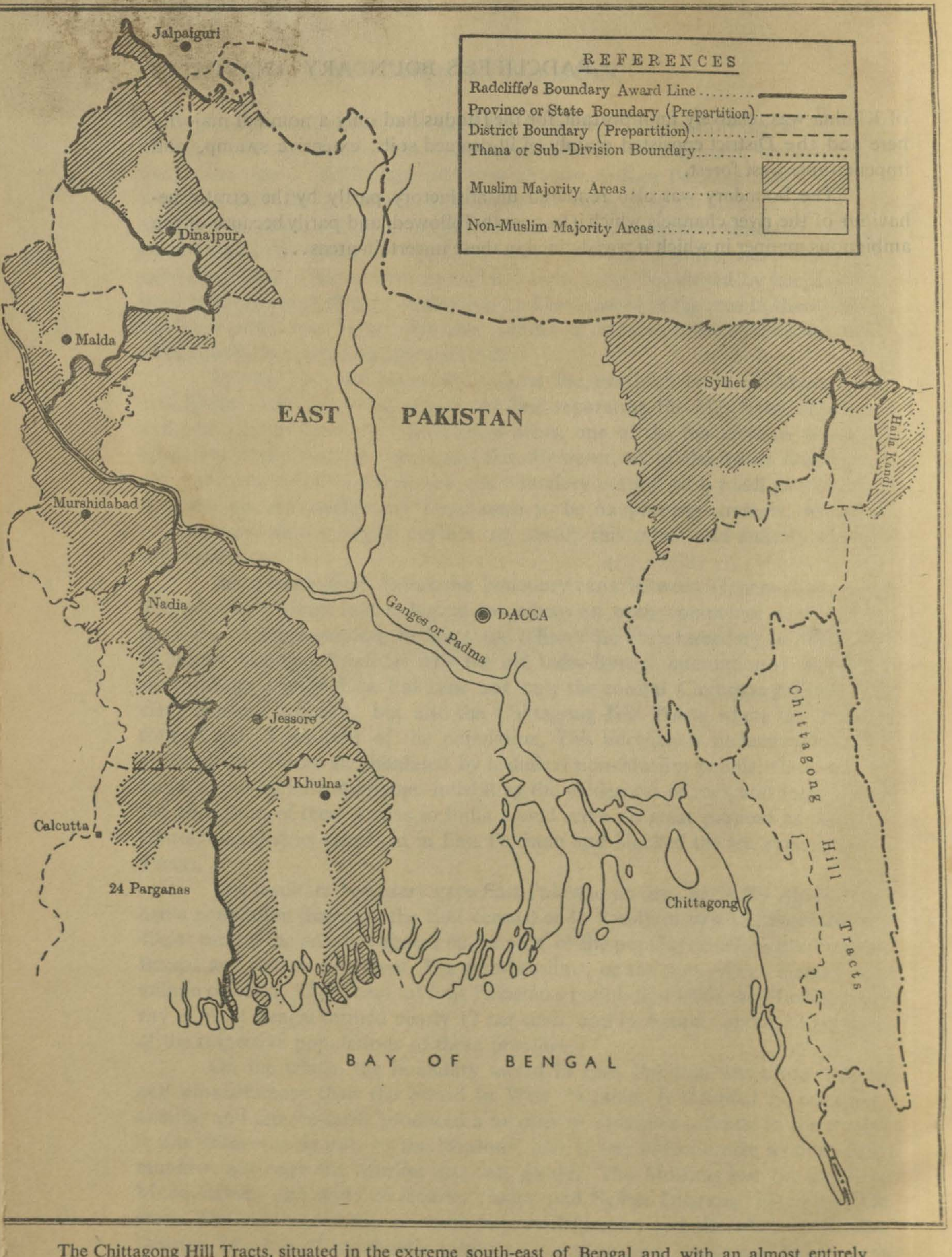
The resultant boundary gave East Pakistan an area of 54,501 square miles and a population (based on the 1941 census) of 41.8 million which represented only 40 per cent of the area but almost 60 per cent. of the population of the pre-Partition Bengal and Assam provinces. The non-Muslims, or the minorities, formed 11.4 million or nearly 27 per cent. of East Pakistan's population while the Muslim minority in West Bengal formed nearly 17 per cent., and in Assam, about 22 per cent. of the respective populations of these provinces.

On the whole, the boundary award in East Pakistan was more illogical and unsatisfactory than the award in West Pakistan. It followed no consistent criteria, and unnecessarily produced a number of obtrusive salients. In the Punjab it was unfavourable only to the Muslims; here it was unfavourable to both communities, although the Muslim loss was greater. The Muslims lost the whole of Murshidabad, and parts of Jessore, Nadia, and Sylhet Districts, all very fertile areas. The Hindus lost the southern part of Jalpaiguri and the whole of Khulna District. The loss of the former meant a disruption of a main road, but the loss

of Khulna was relatively unimportant, for the Hindus had only a nominal majority here and the District consisted mainly of ill-drained soils, extensive swamp, and impenetrable west forest.

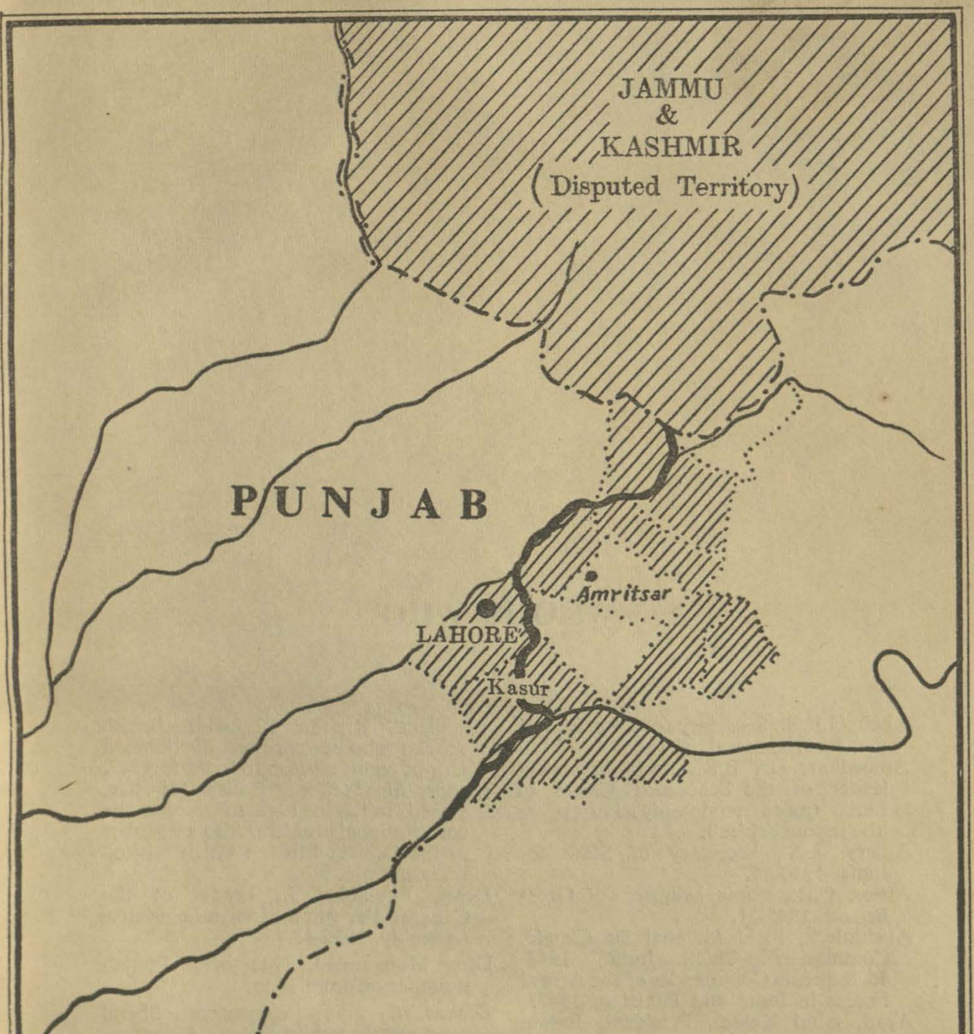
The boundary was also rendered unsatisfactory partly by the erratic behaviour of the river channels which it frequently followed, and partly because of the ambiguous manner in which it was defined in these uncertain areas. . ..

Radcliffes Boundary Awards in Bengal and Sylhet.



The Chittagong Hill Tracts, situated in the extreme south-east of Bengal and with an almost entirely tribal population, were not claimed by the Hindu leaders as part of West Bengal. Radcliffe himself thought that these Tracts could not be separated from the Chittagong District.

Radcliffes Boundary Award in the Punjab (West Pakistan)



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Both maps have been prepared, with the permission of Mr. M. Allauddin, by Mr. Habibur Rahman Khan under the guidance of the Editor.

WHO IS WHO

Abell, G.E.B., Secretary to Lord Wavell, Governor-General of India

Ambedkar, Dr. B.R., most important leader of the Scheduled Castes of India (more commonly known as 'the untouchables').

Amery, L.S., Secretary of State for India, 1940-45.

Attlee, C.R., Prime Minister of Great Britain, 1945-51.

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